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# REPORT ON MENOMINEE INDIAN RESERVATION

BY

EDWARD E. AYER

1914

Board of Indian Commissioners
Washington

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# REPORT

ON

# MENOMINEE INDIAN RESERVATION

BY

EDWARD E. AYER

*Member of the Board of Indian Commissioners*

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## FOREWORD.

The report contained in the following pages concerning conditions among the Indians of the Menominee Indian Reservation is the result of an investigation made by me, as a member of the Board of Indian Commissioners, nearly one year ago, and at that time placed in the hands of the Indian Bureau in typewritten form. It is being published for two important reasons:

First, The possibilities for industrial advancement of the Indians on this reservation are great, provided their natural resources of timber and fertile soil are properly utilized. I therefore desire to place the facts as I found them in readable form in the hands of officials and others interested in these Indians.

Second, The Board of Indian Commissioners, of which I have the honor to be a member, has been attacked on the floor of the House of Representatives, and members of the Board who do not receive a cent from the Government for their services have been referred to as "a useless body of pap suckers." This report is printed, not for the purpose of preventing attacks of this character, but in order that officials and citizens of this country interested in Indian affairs may be given an opportunity to ascertain exactly what one member of the Board has done in a humble way, without cost to the Government, in connection with one Indian reservation.

The investigation of the Menominee Indians is only one of a long list of activities in which members of the Board of Indian Commissioners have engaged during the past year. A list of other investigations follows:

### Office Activities.

(a) Recommendations relating to the various items in the Indian Bill for the fiscal year ending June 30, 1915 (transmitted to the Secretary of the Interior on March 28, 1914, and to the Chairman of the Senate Committee on Indian Affairs on April 1, 1914).

(b) Preparation of digest of laws on Indian irrigation and Indian forests, and comments on same.

### Field Investigations.

(a) Menominee Indian Reservation, by Commissioner Ayer. Report filed January, 1914.

(b) Fort Sill Indians, Oklahoma, by Commissioner Ketcham. Report filed January 5, 1914.

(c) Mescalero Apache Indians, New Mexico, by Commissioner Ketcham. Report filed February 2, 1914.

(d) Papago Indians, Arizona, by Commissioners Eliot and Ketcham. Report filed February 2, 1914.

(e) Navajo Indians, Arizona and New Mexico, by Commissioners Eliot and Ketcham. Report filed February 2, 1914.

(f) Pueblo Indians, New Mexico, by Commissioners Eliot and Ketcham. Report filed February 2, 1914.

(g) Investigation of Indian administration in Canada, by F. H. Abbott, Secretary of the Board of Indian Commissioners, during the months of August, September and October, 1914.

### Indian Warehouses and Purchase of Supplies.

(a) Investigation and recommendations relative to standard samples for clothing, by purchasing committee of the Board, 1913.

(b) Inspection of samples and awarding of contracts at Chicago warehouse, May, 1914, by Commissioner Vaux.

(c) Inspection of samples, San Francisco warehouse, June, 1914, and report on San Francisco warehouse, by Commissioner Dockweiler.

(d) Investigation of the system of open-market purchases, by Commissioner Vaux, begun June, 1914.

Any of the above reports, which has been completed, may be seen upon application at the Board's office, at the Bureau of Mines Bldg., Washington, D. C.

## INTRODUCTION.

The Menominee Indian Reservation, situated in the northeast section of the State of Wisconsin, comprises 10 townships of land, 360 square miles. Its area is covered with a heavy stand of virgin forest, estimated roughly at one and a half billion feet of timber, principally pine, hemlock and hardwoods, such as birch, maple, elm, oak, basswood, etc. The estimated value of this forest stand alone is about eight million dollars.

The forest is distributed in two parts, that along the east portion of the reserve being of open nature, pine, and Norway, while the western part has a very dense stand, principally hardwoods, hemlock and scattering pine. The soil runs from a light sandy loam to the heaviest soil, suitable for diversified farming, market gardening, and dairying and stock raising, a considerable portion of the reserve being good grass land.

The Menominee Indians originally occupied the greater part of the State of Wisconsin. They ranged from what is now the site of Milwaukee north along the west shore of Lake Michigan to Menominee, north Michigan; and west to the Wisconsin River and Black River. Along Green Bay and the Fox River Valley were their principal settlements and on the shores of Green Bay they first met the white man, when Father Marquette, La Salle and the first French descended the Great Lakes from the Canada settlements on exploration voyages of early days. On the reservation at Keshena is now the successor of the first French Mission established by Marquette at Green Bay.

A woods Indian, the Menominee was a striking figure, generally six feet and over in height, a giant in strength; few in number compared with other great tribes, their bravery and fighting qualities enabled them to hold their own with surrounding tribes, Pottawatomies on the south, Sauk and Fox and Winnebago on the southwest, the great Dakota or Sioux nations to the west, the Chippewa on the shore of Superior to the north, and the Hurons to the east of them.

Their word once given could be relied upon. Each in turn, French, English and the Americans made treaties with them which

were faithfully kept. They were a peaceful nation, seldom the aggressor, but mighty in their wrath, once justified in taking the war path.

From early times they have been the white man's friend. In our Civil War, many soldiers were recruited from their bands and today here exists the only Indian G. A. R. Post in America.

Their pursuits are farming, lumbering and manufacture of lumber products. Neopit is the seat of a large milling plant industry, costing approximately one million dollars. It has a saw mill with output of forty million feet yearly, a planing mill of twenty million capacity and carries a stock on hand of forty million feet of lumber, also lath, shingles, etc. The town numbers about one thousand men, women and children, and here may be seen the advanced Indian living in his modern cottage, surrounded with all the home comforts of modern life and partaking of the same social enjoyments as his white brother.

A modern day school and mission day school furnish education to his children; as does town life, social instruction to his home; and the mill, industrial education to himself and son.

At Keshena is the seat of the agency, where are situated two large boarding schools, Government and mission, with combined capacity for 300 children. Radiating out from Keshena for a distance of twelve miles is a scene of agricultural progress, Indian farmers cultivating farms of 5 to 80 acres, cleared, fenced and in various stages of improvement.

The tribal funds on deposit in the Treasury of the United States are approximately two million dollars, gathered from the fruits of the Indians' toil and in the sale of their timber products.

The tribe numbers about 1700 souls. Statistics show about 575 able-bodied males, age 18 years and over. Labor figures for the reserve show of this number an average of 264 adult Indians continuously employed the year round, earning in wages $91,-630.47, not including subsistence. The greatest value of the Neopit operation is as a school of industry. Its value educationally and morally cannot be measured in dollars and cents.

## REPORT OF MR. EDWARD E. AYER ON THE MENOMINEE INDIAN RESERVATION, JANUARY, 1914.

CHAIRMAN VAUX AND GENTLEMEN OF THE BOARD OF INDIAN COMMISSIONERS:

At our meeting in Washington, early in November, 1913, it was stated that there had been certain complaints made in regard to the administration, etc., of the Menominee Indian Reservation, and I was requested by you to make a personal investigation of it. Your request was very warmly seconded by Secretary of the Interior Lane and Indian Commissioner Sells.

It was getting late in the season; there had been no specific charges made, only that certain complaints had been made, so about the 18th of November I wrote to the Indian Agent stating that I contemplated looking over the reservation and asked him if he would not come to Chicago, thinking that I would like to have a talk with him. He replied to me that he had just been East; there were some imperative things that he had to attend to and that he would come to Chicago about the 1st of December, which was about ten or twelve days ahead.

Immediately after that I got a letter from Commissioner Sells, dated November 20th, stating that he had had an interview with a gentleman by the name of D. F. Tyrrell, who had made charges against the administration of the Indian Agent and his subordinates, and that he had requested the gentleman to put his charges in writing, which he did the same date. I hereby submit Mr. Sells' letter and the charges as made by Mr. Tyrrell as Exhibit 1.

Having something definite to go by I then wrote the Agent that I would arrive on the reservation on November 28th.

I told Commissioner Sells in Washington that when I made this examination I would want him to send me one of the most reliable wood rangers that he had. I also brought to Chicago Mr. L. P. Holland, one of our leading superintendents from the South and a gentleman who had had more than twenty years' experience in logging, etc.; also made arrangements with our company to take Mr. Philip R. Smith, our secretary and treasurer

an expert bookkeeper and a man who had also had large experience going over our different cuttings for twenty years back once or twice a year; and also Mr. William Anderson, one of our best stenographers, my theory being that I wanted to have gentlemen of experience, absolutely unknown to the reservation or what had ever been done there, to make the examination for me.

Upon arriving at Shawano the morning of November 28th a gentleman introduced himself to me as Mr. Tyrrell, the gentleman who had made the charges on the reservation. Commissioner Sells, in Exhibit 1, you will note had said he thought it would be well for me to give Mr. Tyrrell an interview. Under the conditions of Mr. Tyrrell's letter, I concluded to do much more than that, that I wanted to give him every opportunity possible to substantiate these charges.

After arriving at Neopit and getting settled, meeting Mr. Nicholson and being introduced to some of his force who were there, we went over the mill property and into the yard and examined its condition, accompanied by Mr. Tyrrell and, I would say, eight or nine Indians, who were expected to produce evidence of mal-administration in the cutting, piling, and caretaking, etc., of the lumber and the conditions of the yard. We were also accompanied by the Indian Agent, the Foreman of the Yard, the Superintendent of the Mill, Mr. Holland and Mr. Smith.

In regard to the conditions of this mill, I want to exhibit the testimony of Mr. Holland, Exhibit 2, Mr. Smith, Exhibit 3, and Mr. Louis Kemnitz, a gentleman who was buying the elm logs and who had experience with most of the large yards in Wisconsin and Michigan, Exhibit 4.

I found that the yard had been formerly laid out largely over a deep slough, that they had driven piles in, forming foundations for the piles, in some cases 50 feet deep or more; that the trash of the mill had been used, as it is in all such places, to fill in this slough, and in several cases after being filled to the yard level had sunk 8 or 10 feet and sometimes more down into the water. I refer to the testimony of the yard foreman, Mr. Nelson, Exhibit 5, who had been in that capacity since the mill was located, during the administration preceding the present one.

I found that the waste in miscuts was not larger than usual in first-class mills, and the surroundings and the yard itself were in as good condition as could have been expected, the mill only having been shut down a short time; it being a well-known fact that it is impossible to keep any yard clean when you are

running night and day. It seems half of the mill was shut down November 1st, when they immediately commenced to clean up the yard, and the other half about the 12th, when they put still more men on the work of cleaning, according to the testimony of Mr. Bernard Nelson, Exhibit 5; Mr. Thomas Prickett, Exhibit 7, and Superintendent Adams, Exhibit 6.

Mr. Thomas Prickett, Exhibit 7, and Mr. Louis LaFrambois, Exhibit 8, were two of the particular men depended upon by Mr. Tyrrell to substantiate his charges, and so I told Mr. Tyrrell, after taking the testimony of these two men, that I would send him a copy of it. After Mr. Prickett's testimony was taken a copy was sent to Mr. Tyrrell; he corresponded with Mr. Prickett, who reported to him in Exhibit 7A, and you will notice Mr. Prickett claims he told me that the yard had not been cleaned in two years. Several days after that, December 17th, I again interviewed Mr. Prickett, Exhibit 7B, where he reiterates that the yard was cleaned properly. Thus in Exhibit 7 he said the yard was clean; in Exhibit 7A he said it had not been cleaned in two years and again several days later, Exhibit 7B, he testified again that it was clean. You can draw your own conclusions in regard to this gentleman's testimony.

The other Indian mentioned as one of Mr. Tyrrell's principal advisors was Mr. Louis LaFrambois, Exhibit 8. I probably talked with this man an hour altogether, and Exhibit 8 is a copy of the interview as taken down by the stenographer in answer to the questions asked only. It seems that Mr. LaFrambois thought I ought to have taken down all he said or thought of, as illustrated in his letter to Mr. Tyrrell, Exhibit 8A. You will notice he never thought of being an engineer until answering my question: "Well, did you ever quit a job because they would not make you an engineer?"

In Mr. Prickett's second interview, Exhibit 7B, you will note what he says about LaFrambois raising the $250.00 for Mr. Ballinger. I wrote a letter to LaFrambois, asking if it was true; his answer is Exhibit 8B. You will note that he did not answer the question at all.

It was represented by the Indians accompanying Mr. Tyrrell that there had been a great deal of lumber badly sawed, etc., and wasted, and Mr. T. J. Turney, Exhibit 9, was presented to me in company with Mr. Tyrrell, as a witness to that effect. His testimony is Exhibit 9, where you will note he finds much fault with the superintendent of the mill, with the machinery and methods, which is absolutely contradicted by the testimony

of the LaPorte brothers, Exhibit 10, one of whom worked opposite Mr. Turney, using the same carriage half of each 24 hours, and also by Superintendent Adams, Exhibit 6.

The next morning, November 29th, 1913, I had Mr. Nicholson, the Indian Agent, place the logging engine and car at our disposal.

The party consisted of Mr. J. P. Kinney, Supervisor of Forests, the gentleman assigned me by Commissioner Sells from Washington; Mr. Philip R. Smith and Mr. L. P. Holland, the two gentlemen who accompanied me; Mr. Nicholson, the Indian Agent; Mr. E. J. Brigham, Superintendent of Logging on the Reservation; Mr. Lincoln Crowell, Deputy Supervisor of Forests, resident at the reservation; Attorney D. F. Tyrrell; and ten Indians. I had suggested to Mr. Tyrrell that I thought five Indians would be enough, but he wanted more, and I finally told him to take whomever he chose.

I introduced Mr. Tyrrell to Mr. Holland, Mr. Smith, Mr. Kinney, and others, and told Mr. Nicholson I desired they should go and look at everything in the timber that Mr. Tyrrell suggested.

While the gentlemen were in the woods on the 29th I took the opportunity to try to post myself about different classes at Neopit and made the following interviews:

First, with Mr. Peter Lookaround, a very intelligent Indian and one of the two principal storekeepers there, which I present as Exhibit 13.

Next, with Mr. C. A. Tourtillott, the other principal merchant of Neopit, which I present as Exhibit 14.

I next interviewed the policeman, Mr. Joe Gristo, Exhibit 15.

Next, Mr. Charles W. Chickeney, Exhibit 16.

Next, Mr. Frank Gauthier, Exhibit 17.

Next, Mr. John Kakatosh, Exhibit 18.

Next, Mr. Mose Tucker, Exhibit 19.

Next, Mr. Simon Beauprey, Exhibit 20.

Next, Mr. George McCall, Exhibit 21.

Next, Mr. Peter Lamotte, Exhibit 22.

Next, Mr. Wyeskesit, Exhibit 23.

Next, Mr. Chas. Frechette, Exhibit 24.

Mr. Louis Oshkenaniew, Exhibit 24A.

In Exhibit 25 I present the testimony of Mr. Mitchell Oshkenaniew. You will see from the last part of his interview that he wants an attorney. That testimony was taken November 30th.

Exhibit 25A is a letter of December 3d from the same Mitchell Oshkenaniew, after a quarrel with Mr. Tyrrell.

I also present a letter from Mr. Nicholson, Exhibit 25B, dated December 4th, stating that Mr. Oshkenaniew had been to his house and the way he treated the matter.

You will notice in the postscript of Mr. Nicholson's letter, Exhibit 25B, a reference to poor LaFrambois, who raised the $250.00 which was sent to Mr. Ballinger, begging not to have deductions made in the little money coming to him, as he had a sick child.

In regard to the conditions in the woods, I desire first to present a summary of Mr. J. P. Kinney's detailed report, which is Exhibit 11; and another supplementary report of December 16th, Exhibit 11A, and a very able report itself, Exhibit 11B. I want to call attention to the fact that the 250,000 feet of hemlock mentioned in the last paragraph of Mr. Kinney's summary, Exhibit 11A, is the same as mentioned in the 3d paragraph, starting "For instance," on page 61, Exhibit 11B.

I also present my wood superintendent, Mr. L. P. Holland's report, Exhibit 2, and Mr. Philip R. Smith's report, Exhibit 3.

On our third day there, the 30th of November, the whole party went into the woods again, starting at 7 o'clock in the morning, and worked all that day. As all the lumber under investigation was that cut for three years, and it being very important that Mr. Holland and Mr. Smith should be attending to their duties, I sent them home that night, the 30th; and Mr. Kinney took the same party (except these two men and Mr. Nicholson), and went through another day, giving three days with the logging engine, and I think made a very careful and lengthy exhibit, which is fully set forth in the reports mentioned above.

Mr. Brigham and Mr. Crowell, Exhibits 12 and 12A, under instructions from Mr. Nicholson, immediately after this went over every part of past operations on the line of our railroad, skirted logging districts of '10, '11 and '12, and this past year, with instructions to scale everything merchantable, locate the 40's same were on and decide whether same could come to mill or not. Note of such instructions will be found in Mr. Nicholson's report, Exhibit 29B.

I have every day's work and the individual scaling of every log on file in my office, but send you the sworn summary of Mr. Brigham and Mr. Crowell, Exhibit 12, which shows a total measurement of 94,770 feet log scale. They estimate that there

was 33,250 feet not accessible, or probability of logging at least doubtful, and that there was 61,520 feet accessible to present year's operation. This is what was left of 95,000,000 feet of logging, about 300 logs or perhaps a 30th part of 1 per cent left; and if they were sawed into lumber they would all go in two ordinary carloads of lumber. I hand you the sworn statement of Mr. Brigham and Mr. Crowell, as Exhibit 12.

In the interview with Mr. Brigham and Mr. Crowell, Exhibit 12A, you will notice that they both think that 30 per cent of the 33,000 feet can be got to the mill, and if so it would leave not more than a carload and a half of sawed lumber, as the average logs cut for the season was a trifle over 10 logs to the thousand.

In connection with the logging question I want to call your attention to paragraph 6 of Mr. Kinney's report, Exhibit 11, where he says, "It must be admitted that Mr. C. H. Woodcock, the Superintendent of Logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen District to the Menominee Mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit cut during the years 1910 to 1912, inclusive, in the Evergreen District, was from $1.00 to $2.00 less than the cost of logs under similar conditions at other mills in Wisconsin." That is, on nearly all the lumber in those years coming to this point there was a saving of at least fifty or sixty thousand dollars in this item alone.

I desire to call especial attention to paragraph nine of Exhibit 11, where Mr. Kinney treats particularly of the loss on the pine timber, and he estimates that by being left as long as it was the depreciation on this pine could not have amounted to more than 10 per cent, which amounted to $10.00. He says, "Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of non-feasance appear a mountain of mal-feasance?"

And in that connection; this agitation has been going on nearly a year; the Indians have been called to Shawano several times, railroad fare being 80 cents each way; they have paid the expenses of Mr. Tyrrell to Washington; they have been out of work for days and days; we have taken the time of the engine and crew for four or five days; the Government has sent its expert to help; I have brought our superintendent from Kentucky, our secretary and treasurer, and my stenographer to Neopit;

made two trips up there myself; have worked with my stenographer what time he could get from his other duties for nearly a month on this report; and the outcome of it all is, according to the sworn testimony and reports of the Government's own men, and my men, that there has been in the neighborhood of two carloads of lumber left in 95,000,000 feet, and that Mr. Woodcock, whom they have traduced most unmercifully, has saved the plant—consequently the Indians—many thousands of dollars, by good work.

I report a conversation had with Mr. D. F. Tyrrell, attorney, after my return from the first trip to Neopit, which I hope everybody that it comes before will read, because it is certainly interesting. This is Exhibit 26.

I said to Mr. Tyrrell at Neopit that the Indians were in an excited condition, that it was much to their injury and that he was the one that could quiet it, meaning that he was, absolutely, the man who had brought about that condition.

You can get an idea from this interview, Exhibit 26, as to what the gentlemen want, and how they want to earn it. As it seems, they consider it their duty to collect a million dollars from the Government for mal-administration on the Indian Reservation; then they want to collect a large amount from the Government and the Stockbridge Indians.

I did not have any data in regard to all the claims they had made to the Indians, so I wrote Mr. Nicholson, January 2, asking if he could give me any data on the subject, and I have his letter of January 3d, marked Exhibit 29C, giving a list of eight or nine different things they think they can do, and something in regard to the methods they have used.

I cannot help but feel that if there had been a hundred times the loss in money to the Menominee Indian tribe, it would not have compared with the damage done by these outsiders, and the few Indians they could control inside, to the tribe, by this agitation.

All these men insisted to me, including Mr. Tyrrell, that the plant was losing money. I tried to impress upon them that I had got the statements from the Treasury Department, also from the plant. It was impossible to make them believe that they were not fraudulent, that everybody was not lying to them, and I feel now that perhaps it would have been better if I had simply given Mr. Tyrrell an interview, as Mr. Sells suggested, and that I had insisted that it be outside of the reservation. The four or five days he was there, there was a constant turmoil

among the Indians, a consultation every night, and taking the Indians into the woods and all, that I feel it was a great damage to the tribe to have permitted it.

In speaking of the expense that we have all been to in this matter, it is also a matter of proof, according to the testimony of Mr. Prickett, Exhibit 7B; Mr. LaFrambois, Exhibit 8B, and Mr. Tyrrell himself, Exhibit 26, that there has been $250.00 sent to Mr. Ballinger; $125.00 raised to pay Mr. Tyrrell's expenses to Washington, and the money that Mr. Tyrrell says he was responsible for himself, $200.00, was borrowed from a part-blood not belonging to the tribe; making $575.00 in all.

The whole proposition has been a wretched one. In fact, there is a tremendous effort here to make bricks without straw; and it does seem to me that the present agitation and charges are a poor return for the efforts made to run a saw mill successfully and do it with nearly 50 per cent of labor that can come when they please and go when they please. The whole testimony of all thinking people about the institution is that the building of the mill has been a great benefit to the Indians. I think both the Catholic Missionaries feel that way, and everybody who knows anything of the former conditions there. It certainly has been.

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In my second visit to the Menominee Reservation I had an interview with Mrs. Myrtle W. Marble, Field Matron at the Mission of Keshena, which speaks for itself. This is Exhibit 28. I think you will all agree with me that her recommendations are very practical.

On this second visit to the reservation I spent the first afternoon and the next forenoon visiting the homes of the Indians of the village and surrounding country. I was very much pleased with the cleanliness of the Indians and I want to express in the highest terms the benefit that the Catholic Missions have been to the Indians on the Menominee Reservation. It is pronounced in every way. They are soberer, cleaner and better people.

I went over the hospital at Keshena and found it comfortable, clean and well organized.

I also went into the homes of a large number of pagan Indians, where I found a good many charming personalities. I didn't, in fact, see but two that were particularly and grossly offensive, and they were two families of very dissipated Indians. All in all, I found the Indian condition, from the two intelligent, live

merchants already mentioned, in Neopit, to all of those except the two mentioned that I saw in the pagan houses, living comparatively comfortably.

But the system of dealing with the older Indians on this reservation is not fair. They have a large amount of property, say in the neighborhood of ten millions, that belongs to the tribe. It is so well invested in timber and land that it is going to be a perpetual inheritance. There ought to be some better way of taking care of the old people, letting them enjoy their full share to a greater extent.

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I have already consulted with the State government of Wisconsin, asking them to establish one of their travelling libraries at Neopit, and will also ask them to do the same at Keshena.

I make the following recommendations that it seems to me ought to be carried out:

1. The plant is tremendously handicapped in only having a cheap railroad with small supply of cars, etc., to ship its product. I recommend that arrangements be made to allow the Chicago & Northwestern Railroad to come in from the south under a contract satisfactory to the Department. I use the term "from the south" from the fact that they are nearer the reservation from the west, but that would add 50 or 60 miles to every car that went out of the plant routed for the south.

2. I recommend that the reservation be cruised, that there be a report made showing the approximate amount and class of timber on every section of the reservation. Some people say there are two billion, some say one, and some one and a half billion. I think the Department ought to know positively, for its future guidance, what is on the reservation and also the same investigation should classify the lands for agricultural purposes.

3. In my judgment it would be safe and proper to allow each Indian on the reservation $500.00 in money; this money to be placed to the credit of each Indian and to be used for his benefit on the recommendation of the Agent and under the control of the Agent wherever there is any danger of anybody using the money unwisely. Bill H. R. 10832, introduced by Mr. Stephens, of Texas, December 17, 1913, would seem to give authority to carry out this recommendation, as well as the next one in regard to advances for farming.

4. I recommend that farms be allotted to Indians wishing to become farmers, the grant of the Government to be so framed

as to preclude alienation within a period of 50 years from the date of grant; the land not to be subject to lien or incumbrance of any kind; the land to be granted for farming purposes exclusively.

I recommend that in addition to the $500.00 that each Indian gets in the above-mentioned allotment three or four hundred dollars more be given to any Indian who takes up a farm, to be charged to his individual account as against the balance of money in the Treasury belonging to him, and that this amount be used solely and fully for the purpose of helping to put buildings, stock, etc., on his farm. It is utterly impractical to undertake or expect these Indians to clear up a farm and get it going without help, and in my judgment the future prosperity of these Indians depends on their being taught farming.

5. I recommend that two, four or six of the brightest young Indians on the reservation be sent to Wisconsin State College of Agriculture at Madison to take a full course in Forestry and Scientific Farming, that they may come back to the reservation equipped to teach the Indians who have elected to make farms.

To show the importance of this I will state that in the State of Illinois each county has a man whose sole duty it is to go down amongst the farmers, rich and poor, and teach them about the best kind of stock, how to treat it, analyze their land, confer with them about the best sort of crops and how to fertilize for them. If it is important in the State of Illinois, amongst the rich farmers, you can see how it would apply amongst Indians just starting.

6. I found the most astonishing system of selling this lumber in force at the mills, by the orders of the Department. Under the system now in vogue, it is possible to do only very little with the big concerns that expect to make at least $2.00 a thousand on every stick they buy in that way. This could be entirely saved, making a difference of from 40 to 60 thousand dollars a year to the mills, by employing a bright salesman, say at $2,000 a year and expenses, to travel amongst the lumber yards in the small towns that are tributary to this plant in Southern Wisconsin, Illinois, Indiana and Iowa, and sell this lumber.

It seems to me that rules might be arranged having each check drawn to the Government, etc., and make this safe. Bradstreet's could be taken to find the leading lumbermen in each town, those that are abundantly safe—and nearly all of them are rich—so that you would lose but a very small amount, if any. To illustrate this, I know of three, four or five lumber yards in the immediate

vicinity of my country home in Wisconsin that I would guarantee all they bought, if it was the entire cut of the plant, for 10 cents a yard.

7. In the many thousand acres of land on this reservation there is an enormous amount of food for cows and young stock growing and going to waste every year. I think the reservation should be investigated with the view of starting a trial herd there of a thousand head of cows, to be herded by Indians with their ponies and to be allowed to increase to the full extent, that hay could be cut in certain protected districts to get them through the winter. There is certainly enough food there for nine months of the year for several thousand head, and at the price that cattle are now and always will be there will be a large profit in turning off the two and three-year-old steers each fall to be sent down, if not fat enough for beef, for feeders. It seems too bad, in the present condition of the meat supply of our country, that enormous districts like this should be allowed to go to waste.

8. I recommend that there be a department connected with the school in Keshena, and another in the school at Neopit, teaching girls how to do housework, sewing, etc.; and a manual training school for boys, to teach them how to use their hands.

9. I would also recommend that there be a company or tribal store at Neopit and a branch one at Keshena and that the goods shall be sold, say, on a basis of 12½ or 15 per cent, which would make the stores absolutely self-sustaining and the Indians would get the necessities of life much cheaper. These stores should also carry a stock of the ordinary agricultural tools that might be used; and there should also be a bank, say, with forty or fifty thousand dollars capital, connected with the Neopit store, where the employees of the mill could get checks cashed.

Now, if they want to buy anything extraordinary, an agricultural tool or any other thing, or cash their checks, they must go twenty miles away to Shawano for the purpose, and they are subjected to all the temptations of the outside towns. I think everything ought to be supplied to the Indians on the reservation so that they would have as little necessity for leaving it as possible.

I know of no settlement in the country of seventeen or eighteen hundred Indians, beside 200 or 300 whites, that has not banking facilities. Each employee of the plant has to suffer an exchange for getting his check cashed.

I should not think of starting a store without purchasing the

property of Mr. Lookaround and Mr. Tourtillott, and trying to get them to run it for the benefit of the Agency and under the directions of the Indian Agent.

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I purposely refrained from having any conversation with Mr. Nicholson about the conditions at the plant, until I had examined the conditions there, taken all the testimony but one or two pieces and got the reports from our men in the woods, etc. I then wrote him a series of questions covering general conditions there, and these questions and his replies I submit as Exhibit 29, and I want to say that there have been some grave charges proffered against the management of this mill, and it is no more than justice to Mr. Nicholson that every officer of the Department that this report is referred to should read his defense and his illustration of conditions there.

On December 4th I wrote Mr. Nicholson in regard to railroad rates and the railroad conditions there, to which he answered fully on December 8th, Exhibit 29A. This is a very important question and his views on the subject are certainly practical and worthy of consideration.

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To sum up my impressions on the conditions that the Government has placed over the logging, milling and disposing of the lumber:

I don't think I have thought of it since I first went to the reservation that my mind did not revert to making bricks without straw. I think the Government has done a very wise thing in having this mill built; I think it has been of tremendous benefit to the Indians, and the reports show that it has made $141,000.00 in the last two years, including the value of the stumpage.

It seems mighty good work to me that it could be done, when half of the labor employed was compulsory practically; that a person could leave his work at any time without notice, stay away as long as he had a mind to, come back when he chose and still get a job; after the lumber was made that it was sold under such conditions. I feel very sure that the mill, outside of the lumber they have sold in the pine and lumber logs in the woods, in other words, every stick of lumber that they sold they got at least $2.00 a thousand less than they could have got had it been sold in the usual way.

The United States Government Army can't buy that lumber,

because they have got to ask for bids; the lumber can't be sold, because they can't sell without asking for bids. It seems ridiculous.

The employment of the Indian part can't be helped, and nobody would want to help it if he could, because the prime idea in establishing the plant—and it was a wise one—was to teach these Indians to work, and it is certainly doing it.

The conditions that I found in regard to outside influences were appalling. That any intelligent man would write such a letter as Mr. Tyrrell did to Commissioner Sells, based on the say so of four or five, six or eight discredited men (in a way it seems most of these men had been tried and found wanting) is beyond my comprehension.

The reports of the Department's very able wood ranger, Mr. Kinney, and the other wood ranger, Mr. Crowell, both Government employees, and the reports of Mr. Holland and Mr. Smith; in fact, everything on the place, the cleanliness of the yard, the cleanliness of the supply department, the cleanliness of the towns, showed the untruth of the charges.

And then that men should absolutely deny statements of the prosperity of the plant, the books in Washington showing that the funds had been increased largely in the past two years, and still go up and down the reservation claiming that it was not true, that the mill was losing money. Look at the testimony of the splendid Wyeskesit, Exhibit 23. He knew they were not making any money, because where was it? He knew the mill had been losing money, because they didn't get it; he had been told so.

A man must be in desperate straits who will conduct himself in any investigation the way Mr. Tyrrell did in his talk to and before the Indians on all occasions, as testified to by the gentlemen in the logging party. Then I feel mortified that a man would come to me and ask me if I would approve of an attorney to stand between such men and the Government agent and the United States Government.

Of course, the whole motive of going into the woods nearly a year ago, stirring up these disaffected Indians, is the same one that has been at the bottom of every attack on Indian property —the desire and hope of getting some of it.

I don't think that Mr. Tyrrell, the attorney, is a dishonest man, but I feel that he is far, far away from a wise one; and I feel that it would be a calamity to have any attorney appointed for the Menominee Reservation for the purposes that Mr. Tyr-

rel outlined to me in his interview, Exhibit 26, and that Prickett and Oshkenaniew (Exhibits 7B and 25, respectively) testify they want an attorney for, to protect them from the Agent. I have understood it was against the law to go on to the reservation for any such purposes as Mr. Tyrrell was there. Unfortunately for the Indian, and I think for the investigation, his time was industriously employed in the three or four days he was there while the investigation was going on.

At this point I want to introduce the testimony of Mr. Reginald Oshkosh, Exhibit 31, a full-blooded Indian and Tribal Chief of the Menominee Tribe, who for the past year or two, as you will see by Exhibit 29 of Mr. Nicholson, has been pulling himself together and doing good work. It certainly speaks for itself, and I hope that whoever sees this report will read it.

I received an astonishing letter from Congressman Konop to Mr. Abbott, in regard to my investigation, grossly insulting me, and the Commission through me. I hereby submit a copy of same and my answer to him, as Exhibit 30, in my report.

I also sent a copy of same to Secretary Lane, and Indian Commissioner Sells, that they might see the kind of influence that is being brought to bear to belittle the work of the Commission.

The testimony complained of in Congressman Konop's letter is that of Mr. Thomas Prickett, Exhibit 7B, in my report.

I also want to call attention to a letter written by a gentleman who has been about the reservation for seventeen years, and who has written a very calm and dignified letter in regard to the conditions there, which I present as Exhibit 32. It certainly shows the improvement that has been made during the past years, and this gentleman's recommendations and suggestions are all good.

I have laid some stress, in this report, on the old people of the reservation, who are not getting the benefit of their wealth, and who at the best can only last a short time. I think there ought to be something given to this class of people and to the ill and infirm, who are incapable of working, each year.

The claim has been made that the mill was selecting the best timber, therefore making a better showing than could be continued.

The mill, I don't think, has made any effort to select the best timber. It will be seen that they were *forced* by the big fire to a certain locality. They were also *forced* to take the *best* timber here as there was so much burned over they could not lumber it all before some of it must deteriorate very much. Forest Supervisor

Kinney, you will note, has gone into this fully. The 1,500,000 feet Mr. Tyrrell speaks of is the 250,000 feet of hemlock Mr. Kinney mentions, and says, hemlock was so cheap that at the time it would not have paid to cut it. The only selections that have been made in pine were for the hewn timber and for that it is shown that they received as much per thousand for the whole log standing, $10.00 per thousand, as they could get for, say, the best 25 per cent of the lumber the log would make; and the amount sold this way has been a small percentage of the whole white pine cut. The elm so sold has been at a still higher price relatively, about $47.00 per thousand, standing, and you will note the mill has made a good profit, the past two years, after allowing for the higher stumpage for the white pine.

As far as I can learn no man knows much of the amount or quality of the timber left on the reservation, and still less of the nature of the cut-over and untimbered parts of the reservation, and its adaptability for farming and grazing. The timber is estimated to be between one thousand five hundred million and two thousand million. It is for this reason I recommend so earnestly the cruising of the whole reservation showing the timber, kinds and quality on each quarter section; the quality of the land, whether good for farming, grazing, reforestry or worthless. I *think* good reliable capable men could be hired to do this for five cents an acre. Then a comprehensive plan could be laid out covering the management of the *whole* reservation *for years in advance.*

During this administration there has been 1,610,690 feet of pine sold at these high prices, in log measurement, and 651,088 feet of rock elm. Very little of this rock elm has as yet been shipped.

I will say, in winding up this report, that I have done no business in Wisconsin for 15 or 16 years, that I never did any business on any Indian reservation in Wisconsin that I know of. I never remember of having seen any man, woman or child before that I met on the reservation, except the people I took with me. And I take the liberty of recommending that whenever there is a change made in the Indian Agent or any attorney appointed to represent the Menominee Indians that it shall not be anybody who has, or who ever has had, any business relations or acquaintances within a hundred miles of the reservation.

Respectfully submitted,

EDWARD E. AYER,
*Member of the Board of*
*Indian Commissioners.*

January, 1914.

## SUPPLEMENTARY REPORT OF MR. EDWARD E. AYER ON THE MENOMINEE INDIAN RESERVATION, JANUARY, 1914.

PRESIDENT VAUX AND GENTLEMEN OF THE INDIAN COMMISSION:

In my letter transmitting my report I said I would probably have a Supplementary Report to submit. I concluded to try to get expressions from more of the Indians, in the first place, and from some I had already examined on a little different ground, so I transmit, now, the balance of my report.

The questions I asked of the Indians pertain in particular to the promises which have been made by the people who are endeavoring to get the position of attorneys for the tribe and I present Mr. Lookaround's testimony as Exhibit 13A.

About January 8th I got a letter from Mr. Mitchell Oshkenaniew —in fact, two letters—which I present as Exhibit 25C. You will notice that during September Mr. Ballinger wrote Mitchell Oshkenaniew a letter, stating the total loss to the tribe during the five years' operation was $1,429,426.43. Such method as this was used to inflame them against the conditions there, of course. You will notice that Mr. Ballinger had evidently forgotten there was several hundred thousand dollars' worth of lumber and a great many other things that should be credited to this amount.

A question asked Mr. Tyrrell, and his answer, I present as Exhibit 27A, to go with other things pertaining to him in my former report.

I felt I had not gone, as carefully as I desired, into the lumber operation, credited stumpage, etc., for the past three years; so I asked Mr. Nicholson for information as to how much lumber had been logged, manufactured and sold during each of the three years; how much stumpage was charged against each class; what percentage was left after charging the said stumpage, as profit for the year; and also if the stumpage rate that he was using was about the same as used by other lumber companies, as far as he knew; and the percentages of earnings on capital stock after said charges.

I submit this as a special exhibit, No. 33. You will note that after charging stumpage of $443,176 there was a net profit of $245,213;

and he has answered my question as to the percentage paid on the capital stock in the Note of this exhibit; also figured how much it would be if the $269,695.92 lost before he came there was taken out of capital stock.

I have interviewed one of our leading lumber companies—the Oconto Company—and showed them the stumpage rate used by the Menominee Mill. They didn't think it was enough, although they thought our white pine was probably better than theirs (they used $10 a thousand and the Menominee figure is $11.00). I find, on using the list given me by them on the entire cut of the three years on each class of timber that it adds up $39,879.38 to the stumpage, which, subtracted from $245,213.55 leaves $205,334.17 net profit after charging stumpage to proper amounts as indicated by the President of the Oconto Company. I will also say that the stumpage used at the mill was that recommended by the Indian Office, letter of February 5, 1912, I. O. File 102661-1911.

At the end of Exhibit 33 you will find three tables giving the cut of each year, of each class. As already stated in my former report they were forced into cutting more white pine than usual on account of the fire, for the two years 1911 and 1912. During the years 1912 and 1913 they only cut three million, which was less than 10 per cent, and you will see from the former report that the amount of white pine on the entire reservation is 10 per cent of the estimated quantity.

As it may not be in quite as good shape there, I include a copy in this as Exhibit 33A, showing the estimated timber on the entire reservation; and also in this same table I give the prices furnished me by the Oconto Company; and I also send you as Exhibit 33B, a table showing the total cut of each class of timber cut on the Reservation for the past three years, and the stumpage carried out as per the Oconto Company's recommendation.

I am sending another set of Mr. Kemnitz's testimony, which has his affidavit annexed, and this will take the place of Exhibit 4, which I have already sent you.

Exhibits 34, 35, 36, 37, 38 and 39 are the opinions of Indians about Keshena, in regard to the affairs and what action Mr. Tyrrell has taken in regard to the reservation. You will notice in No. 35, Pywaukee, he states that they had already paid Mr. Tyrrell $500.00.

You will notice that practically all these men who have furnished money to Mr. Ballinger and Tyrrell have been told that they would get it back, out of the tribal funds. You will notice in one case, Exhibit 39, Tomaw, where he has taken $20.00 belonging to the

Temperance Society to put into the fund for attorneys, says the tribe is to pay it back.

Now, as I understand the law, nobody can represent these Indians unless approved by the Government in Washington. If that is true it is entirely illegal to ask these Indians for any money for any purpose until such approval has been gained and attorneys for the tribe have been established. If I am right about this, these men should be made to immediately refund this money to the members of the tribe, as they all say the money is to be refunded from the tribal funds, that they advanced.

I am inclined to think, under the circumstances, that the Indians on this reservation ought to have some money in the shape of annuities, in the near future. They have been having it, more or less, for a good many years, and you will note all the way through the testimony that they practically all claim that if they were getting their annuities they would think it was all right, but that the money must have been lost, because they don't get annuities.

The recommendations that I have made, as for furnishing farm lands, money for education, tribal cattle, etc., will take more or less time and most of them need legislation before they can be carried out. In the meantime it is very necessary that conditions should be quieted on the reservation, and I think that if this were done, and done through the hands of the Government, itself, without any lawyers or outside influences, it would have a most salutary effect on the entire tribe.

Respectfully submitted,

EDWARD E. AYER,
*Member of the Board of*
*Indian Commissioners.*

January, 1914.

## EXHIBIT 1.

Copy of letter from D. F. Tyrrell to Hon. Cato Sells, dated November 20, 1913, and Mr. Sells' letter to Mr. Edward E. Ayer, dated November 20, 1913, inclosing copy of Mr. Tyrrell's letter, all relative to the affairs on the Menominee Indian Reservation.

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
WASHINGTON.

November 20, 1913.

MY DEAR MR. AYER:

After an interview with Mr. D. F. Tyrrell, of Gillette, Wisconsin, yesterday, I requested him to write me a letter stating conditions as he understands them to exist at Menominee, and that he also leave with me certain photographs taken by him.

I received his letter today and am herewith enclosing same to you with the photographs, that you may have the benefit of his suggestions.

Mr. Tyrrell seems to be a very earnest and intelligent man and I think it would be well for you to have an interview with him.

I wish you would advise me a few days in advance of the time when you start for Wisconsin, so that I can arrange for one of my men in the Forestry Service to accompany you, as you requested.

To the extent that I can be of service to you, please command me.

Very truly yours,

(Signed) CATO SELLS,
*Commissioner.*

HON. E. E. AYER,
Ry. Exchange Bldg.,
Chicago, Ill.

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(Copy)

WASHINGTON, D. C.,
November 20, 1913.

HON. CATO SELLS,
Commissioner of Indian Affairs,
Washington, D. C.

My Dear Sir:

Pursuant to request I herewith submit to you certain data, relative to the Menominee Indian matter.

I am not conversant with the conditions existing throughout the entire area covered by the logging operations on the reservation, but that portion with which I am familiar bears ample and convincing evidence that the operations are being conducted at a heavy loss to the tribe.

The work, seemingly, has been and is being carried on with little or no

regard for profit. Waste is evident on all sides. (Note exhibits hereto attached and more specifically referred to herein.)

Splendid timber has been cut and left to rot in the woods. (Note Exhibits 1 and 2.)

White pine and Norway logs, containing the very best of lumber, may be seen skidded in the woods and left to the mercy of the weather and worms and in this same area may also be seen other white pine and Norway logs that have been cut and swamped and not even skidded but simply left where cut.

Logging roads have been cut and splendid logs piled on each side of them and left. These roads were never used after being cut.

Large trees, both green and dead, have been left along the logging railroad notwithstanding the fact that they contained valuable lumber and stood only a few feet from the right of way.

In one place ties, posts and poles were scattered around. In another a large number of pieces of cedar had been cut and left in the woods.

I found that the white pine and Norway had been cut from a tract of burnt timber and at least 1½ million feet of fine hemlock left to spoil. (Exhibits 10 and 11 give a view of this tract. Exhibit 11 also gives a view of the camp, known as old camp 12, I believe, which is located practically at the edge of this tract. The track ran between these camps and this tract and a portion of the right of way is shown by light streak at point marked "X." The dark streak in Exhibit 10 shows the same tract from another angle.)

White pine logs, scaling not less than 500 feet of the finest white pine lumber that ever grew in the State of Wisconsin, I found cut and left in the woods to be destroyed by the weather and worms. (See Exhibits 1 and 2.)

In one small area I counted not less than 14 white pine logs, none of them less than 12 feet long and one of them at least 24 feet long and containing the cream of white pine lumber, that had been left in the woods. These logs will average not less than 2½ feet at the small end. In this same area were two white pine trees, measuring not less than 70 feet from butt to first limb, or to be exact, 24 paces, that had been felled and left to decay. From these trees could have been cut the very finest quality of white pine lumber. In this same area I found a piece of hewed timber, about 20 inches square and not less than 40 feet in length, or, to be exact, 14 paces, that had been left where hewed.

Please note, Mr. Commissioner, that these logs and trees just referred to were as good as any that ever grew in the State of Wisconnsin or anywhere else. I cannot make this statement too strong. I found large areas that had just been skimmed over, the best taken out and vast quantities of valuable timber, both dead and down as well as green and standing, left.

All of the timber that I have mentioned in this statement has been left to spoil as the track has been taken up and, if it is ever logged, it will be at a great expense and after it has become nothing more than cull timber.

A large burned over area, containing several million feet of valuable timber, remains uncut and uncared for, notwithstanding the fact that it was burned over several years ago. In the neglect to properly handle this tract, alone, the tribe has sustained an enormous loss.

In the manufacture of square timber the tribe is suffering a great and

grievous loss. Only the best of timber is taken. Nothing but the largest and tallest trees are used and they must be perfectly round.

In the hewing many feet of the finest lumber is lost in the slabs taken off. I would estimate this loss to be not less than 200 feet to each piece, because of the valuable timber left in the tops which in many instances would bring the amount up to several hundred feet. (See Exhibit 2 showing slabs against tree.) A future loss will result from the fact that the taking of this select timber leaves an inferior grade of timber, which will not bring as much as it would were it sold in conjunction with the select stuff.

In one instance a watering trough had been hewed from a white pine log, at least thirty feet long, and worth in lumber, I should judge, not less than $30.00. A trough could have been made from hemlock plank at a cost not to exceed $2.50 and the horses would never have known the difference and the tribe would have saved $25.00 or more.

Green lumber is being cut today while millions of feet of burnt timber is going to waste.

Valuable lumber is being thrown into the "hog," ground up and hauled out and dumped into the slough.

Valuable lumber has been dumped into this same slough and covered over with this ground-up wood from the "hog." The places where this lumber has been buried can be pointed out. (Exhibits 6 and 7 give some idea of this waste.)

A great deal of material from which considerable revenue could be realized has been and is being thrown into the "burner."

Exhibit 9 shows what is known as the "sink hole." Into this hole has been dumped some 300 carloads of gravel besides a large quantity of logs. Had the track been run but a few feet to one side it would have had high ground and this hole avoided.

Mr. Commissioner, I realize that I have made some very strong statements herein. I feel that it is up to me to prove them. I earnestly request that you give me an opportunity to do so. Kindly allow me to point out the things I have referred to. In fact I feel that it is quite possible that some of these items will not be located unless I do point them out. I would be pleased to meet any representative from your department at Shawano, Wisconsin, at any time, the sooner the better, however, and go over this matter carefully with him. Thanking you for the opportunity to present these facts, I am,

Respectfully yours,

(Signed) D. F. Tyrrell,

P. O. Address, Gillette, Wisconsin.

Mr. Commissioner, it has just occurred to me that I was informed by members of the tribe, some time ago, that they had commenced to dray in some of this timber that had been cut and left in woods. If such has been done it was at a great expense and after the timber had greatly deteriorated in quality and value and for the purpose only of getting it out of the way. If an inspection is made, before snow comes, evidences of this work, if any done, will be readily apparent.

(Signed) D. F. Tyrrell.

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Note.—The exhibits referred to in the above letter are photographs not available for reproduction.

## EXHIBIT 2.

Copy of Report of Mr. L. P. Holland, woodsman in the employ of Ayer & Lord Tie Company, Chicago. Dated Paducah, Ky., December 4, 1913.

PADUCAH, KY., Dec. 4, 1913.

HON. EDWARD E. AYER,
Indian Commissioner,
Chicago, Illinois.

Dear Sir:

I herewith hand you my report on three days' investigation beginning November 28th, 1913, of work being done on the Menominee and Stockbridge Indian Reservation at and near Neopit, Wisconsin.

On the 28th of November I looked over and inspected carefully the mill yard. I found, according to my judgment, based on nineteen years' experience in the tie and lumber business, the most efficient work, both in manufacture and care of stock, that I have ever seen on any mill yard, large or small. The management of this part of the work has certainly been first class.

Beginning on the 29th of November, in company with Mr. Tyrrell as an attorney for some eight or ten Indians who were also along, with several other parties, I began the inspection of the cutting and logging on the Reservation, following the direction of Mr. Tyrrell. I was first shown a square timber 38 feet long, 24 inches in diameter, No. 187. Mr. Tyrrell claimed a loss to the tribe on account of the slabs hewn from this timber, there being some very small slabs taken off. I could not see the loss to the tribe, as this timber had been measured and sold and the tribe had credit.

The next complaint was about some logs decked about 400 feet from the railroad. Mr. Tyrrell claimed a loss to the tribe on account of sledding and re-decking along the track. When told by E. J. Brigham, who has charge of the logging, that they would be loaded as they were sledded and would not be redecked, Mr. Tyrrell said this would not be done. When asked why, he stated that he would show where redecking had been done before, but he failed to do this, and later admitted that he could not.

I was next shown five white pine logs, sap-stained, which he claimed should have been barked. I consider the damage to these very slight, as they were right on the railroad and will be taken to mill right away.

Again, Mr. Tyrrell claimed that the stumps were cut too high. At this particular point the stumps were rotten and hollow, and I consider that there was no loss, but at some other places, the stumps were cut too high, but the per cent of sound stumps cut high was very small. Mr. Tyrrell also complained about a log that had been left at the butt of a tree. This log was about 30 inches in diameter at the small end; was hollow from end to end, large enough for a man to crawl through. This was demonstrated by a man crawling through the log from end to end. This complaint, in my judgment, was absurd, as it surely would have been a loss to the tribe to have made the expense of hauling and sawing timber of this kind.

Mr. Tyrrell's complaint at Camp 15 was that logs had been cut for wood that would have made good lumber. These logs were from a tree that must have been dead at least ten years, in my judgment worthless to the tribe except for wood. In discussing these logs, Mr. Tyrrell made the assertion that any white pine lumber that would hold together was worth $16.00 per thousand. This shows how reckless he was in making statements. He showed some logs that had been peeled. These were tops from trees cut for export. These, I think, were in good condition and not damaged. Mr. Tyrrell would say, if logs had not been peeled that they should have been peeled to preserve them; but if they were peeled he claimed they were damaged by worms.

He showed several logs all scattered on the last year's work in the swamp, that were left on account of the breaking up of cold weather. This territory is still in operation and can be cleaned up this winter. Logs in good condition.

Mr. Tyrrell next showed two trees, fourteen logs and one square timber that he claims should have been loaded, but the track was removed. These logs were near a new cutting and could be taken up. I could not figure out any loss here.

From this point we passed through a long strip of burned-over land, an old cutting. In this strip, the timber was nearly all dead. We were shown several logs cut, and quite a lot of standing timber of the cheaper grades. This was cut over about two years ago, following the fire, and the management claims they cut the white pine and left the hemlock on account of the pine being much more valuable and much more important to save before it damaged.

On November 30th we were almost exclusively on old cuttings of two years past, and over. Complaint was made about logs being cut for lumber being used in making fills for the railroad and stringers for bridges for wagon roads, and skidways left where the track was taken up and removed, and some logs left scattered over this old territory. These claims seemed to be more reasonable and it looked as though there had been some careless work done by some one, but much of this is a question as to whether the tribe suffered any loss, as the time spent in getting dirt or worthless timber might have equalled the cost of putting the timber in bridges and fills.

Mr. Tyrrell made a charge against the management for charging Tom LaBell, an Indian, $36.00 for the use of camps belonging to the tribe, while working out a contract on a certain boundary on which he was to cut and deliver the timber at $6.00 per thousand. I fail to see any loss to the tribe in this, but had they furnished a camp free, as Tyrrell said they should have done, it would have been a loss to the tribe.

Mr. Tyrrell showed a cut through the hill about four and one-half feet deep, about six hundred feet long. He claimed they had a track around this hill and took it up when the cut was made. Mr. Nicholson says this cut was made as the passway for the loaded and empty cars and both tracks were used at the same time and the cut was made to get on solid ground for the loaded cars, on account of the ground being soft and swampy where the track went around the hill, which seems to be a good business proposition instead of a waste. Complaint was also made at this point, about 110 ties

being left that had been used in a jam dock. These were inferior ties in the beginning and had been used in the track before being put in the dock.

He also claimed a loss to the tribe by the management, on account of small trees being cut for skids on which to fell the large trees cut for export. Mr. Nicholson says this timber was all measured and paid for, therefore could not be a loss to the tribe.

Mr. Tyrrell showed some timber near old Camp 12 that he said should have been cut. This was burned-over land and, in my judgment, could not be worked at a profit. He showed about 4,000 cedar logs cut about two years ago—also some poles cut by Paul Tebeau, an Indian. These logs were in a swamp and were left on account of the breaking up of the ice. They are in good condition and Mr. Brigham says they will be taken out this winter.

Mr. Tyrrell said to me that he had grown up in the lumber business in Wisconsin, yet he showed ignorance in a surprising way to me, by miscalling the kinds of timber several times. He would call hemlock white pine, and he did this on several occasions.

I have gone over this matter at considerable length, to give you as nearly as possible the character of the claims and charges made by Mr. Tyrrell, and the disposition of this man to magnify his charges. I could give other instances, but think these sufficient. After carefully going over the situation I will say that I have never seen or known a job run by any one where there was as little loss in timber as on this one, and especially is this true of the last two years' cutting. While there are some logs and timber left on the old cutting, in my judgment, the per cent is much smaller than is common where I have worked.

Yours very truly,

L. P. HOLLAND,
*Superintendent.*

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## EXHIBIT 2A.

### Mr. L. P. Holland's affidavit.

January 29th, 1914.

I hereby certify that the statements made in my report dated December 4th, 1913, to Honorable Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation are true and correct to the best of my knowledge and belief.

(Signed) L. P. HOLLAND.

STATE OF KENTUCKY, } *ss.*
*County of McCracken.* }

Subscribed and sworn to before me, a Notary Public, this 29th day of January, 1914.

FRANCES JOHNSON,
[SEAL] *Notary Public.*

My commission expires Jan. 30, 1916.

## EXHIBIT 3.

Copy of the report of Mr. Philip R. Smith, Secretary & Treasurer of Ayer & Lord Tie Company, Chicago, in regard to the affairs on the Menominee Indian Reservation at Neopit, Wisconsin, dated December 30th, 1913.

December 30th, 1913.

Mr. Edward E. Ayer,
Railway Exchange Bldg.,
Chicago, Illinois.

Dear Sir:

You having requested me to go to the Menominee Indian Reservation with you to look over the books of the Superintendent, also look over the mill yard and some of the logging operations, I wish to report that I went over all the books, ledgers, cash books, journals and record books, not with the idea of a detailed check or audit, but with the idea as to looking into the methods of handling and seeing whether they were complete and also to see whether there might be some short cuts that would save labor.

After noticing the immense amount of detail that the Government insists on in its reports and making an examination of the books, I found there were few places where any saving whatever could be made and at the same time furnish the amount of detail required. My opinion is that the books are exceptionally well designed for the work in hand and that they are exceptionally well kept, and I have no hesitation in saying that Mr. Ashford is keeping a perfect set of books.

With regard to the yard, I went through the yard with you, Mr. Tyrrell and a number of Indians, also with Mr. Holland and Mr. Nicholson, and I found that wherever the piles of lumber were on high ground, there was very little trash lying around, no more than in many lumber yards I have visited, and not as much as in some. There was quite a considerable amount of trash in that part of the yard that was built on piling, the mill having originally been set in the bottom and a large part of the yard constructed over the water. Wherever this was the case, if a broken piece of board fell, or any of the old piling rotted out, or the timber holding the lumber rotted, they were liable to drop in the water and were not taken away, but they served the purpose of helping to fill this bottom, as a great share of this bottom land where the lumber was on piling has now been filled in with waste material of different kinds and should all be filled in to make an economical piling yard. Any trash or broken pieces that may have dropped into this water certainly have filled their place in helping do away with the water. If this yard had all been on high ground, no doubt this accumulation would have been taken away. I saw no waste of good material or neglect in keeping the yard in an ordinarily clean condition. The principal mistake in the whole proposition was the location of the mill at the start.

With regard to the woods, I went into the woods and spent two days there. Mr. Nicholson was with us the first day, and Mr. Tyrrell, Mr. Holland, Mr. Brigham, Mr. Crowell, Mr. Kinney and a number of Indians were there all of the two days. I found conditions in the woods to conform, in a number of instances, with the charges made by Mr. Tyrrell;

that is, as far as finding logs he had photographed and pieces of slabs he had photographed, but as to there being any gross extravagance or waste in the woods, this I did not see.

We located quite a good many logs and found large slabs cut from some of the logs and also found some logs that should have been hauled in, but the explanation on this was that these were, particularly, logs cut for square timbers left on account of the early thaw. A big proportion of them had been peeled, showing that an effort was made to protect them, a large proportion of them will be brought in for this year's cut and the loss will be exceptionally small on these logs.

The principal loss that Mr. Tyrrell dwelt on was in the cutting of these square timbers, and he claimed there was an awful waste in the slabs. The contract called for the payment of these logs in the round; therefore, he paid for such slabs as were left in the woods.

We found other logs that had been left and a number of hemlock trees that had been left in the last three or four years on burned areas, but the instructions at the time were to cut all the pine and better class of timber, as the fair season was so short that they had to cut the timber that would pay the most and the timber that was left standing, which damaged considerably by being left, was timber that would net but small returns, and they did not even, in the time they had, manage to get all of the pine in, though practically all of it. There is no question but that the loss would be an exceptionally small per cent considering the immense amount of timber that was brought in during the three or four years.

As to the price that they received for the square timber, I understand this was $70.00 per M in the tree, standing. They are only getting about $80.00 to $85.00 per M for select cuts of the same class of timber after it has been logged, hauled to the mill, manufactured and piled, and therefore I consider the price of $70.00 per M in the tree, standing, was an exceptionally good one and far better than manufacturing this timber, paying the cost of hauling, cutting, stacking and then receiving but $75.00 per M for the best of it, and much less for the lower grades.

Mr. Tyrrell's attitude, as I saw it on this trip, was one of continual fault finding. He seemed to see nothing that was done right, and at each log that we would come to in the woods, he would make a speech which seemed to be made for the benefit of training the Indians and making them discontented. The only time I heard him say a complimentary word was to Mr. Brigham when we went to the New Camp 18 and made the last stop of the evening coming in and went out on the burned district where Mr. Brigham had cut down and cut up practically every log and every tree on the district, and we found many logs that had been found defective, then Mr. Tyrrell stated that Mr. Brigham certainly was doing his work properly there, but he was afraid somebody might criticise him for spending money in cutting up a lot of this timber that had a number of defects not visible until cut, and they might accuse him of waste in cutting timber that should have been left alone, and yet this was the same class of burned timber that we had been going over and the criticism was all the other way, because it had not been cut.

Yours very truly,

(Signed) PHIL. R. SMITH,
*Secretary and Treasurer.*

Affidavit of Mr. Philip R. Smith.

CHICAGO, January 13, 1914.

I hereby certify that the statements made in my report dated December 30th, 1913, to Honorable Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Monominee Indian Reservation are true and correct to the best of my knowledge and belief

(Signed) PHILIP R. SMITH.

STATE OF ILLINOIS, } *ss.*
*County of Cook,* }

Subscribed and sworn to before me, a Notary Public, this 13th day of January, 1914.

(Signed) ARTHUR W. ARMSTRONG,
[SEAL] *Notary Public.*

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## EXHIBIT 4.

Affidavit of Mr. L. W. Kemnitz.

Report of Mr. Edward E. Ayer's interview with Mr. Louis Kemnitz, of Greenbay, Wisconsin, a lumberman cutting timber on the Wolf River, near Neopit, December 1, 1913.

Mr. Kemnitz was a visitor at the Menominee Indian Mill on December 1st, where he was introduced to Mr. Ayer by the Superintendent, Mr. Nicholson. Selected from the ensuing conversation, of a general nature, are the following questions and answers:

Mr. Ayer:
Q. How many lumber yards have you been in, Mr. Kemnitz?

Mr. Kemnitz:
A. About 40.

Mr. Ayer:
Q. How do you think this yard here compares with most of those you have been in, in regard to cleanliness?

Mr. Kemnitz:
A. Mr. Ayer, as I said, I have been in about 40 different yards and I think this is far superior in that respect to most of them.

(Signed) L. W. KEMNITZ,
Green Bay, Wis.

Witness:
CLARA K. JANSEN,
MOSE A. JANSEN.

Personally appeared before me, a Notary Public in and for Langlade County, State of Wisconsin, L. W. Kemnitz, of Green Bay, Wisconsin, who made oath that the foregoing testimony is true to the best of his knowledge and belief.

Dated at Phlox, Wis., this 20th day of Jan., 1914.

(Signed) MOSE A. JANSEN,
*Notary Public, Langlade Co., Wisconsin.*

My commission expires Dec. 13, 1915. P. O. Phlox, Wis.

## EXHIBIT 5.

Report of Mr. Edward E. Ayer's interview with Mr. Bernard C. Nelson, yard foreman, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

Mr. Ayer:

Q. How long have you been foreman here?

Mr. Nelson:

A. Ever since it started.

Q. You have had to fill it, have you?

A. Yes.

Q. Hasn't it been injurious, filling it over water?

A. Yes; it had to be.

Q. Couldn't it have been arranged otherwise?

A. No; I couldn't get to solid ground.

Q. When you get it filled in it will be better, of course?

A. Yes, but it hasn't settled yet.

Q. Do you think there has been any good lumber, except by accident, ever covered up in that yard

A. No, sir.

Q. Is there any lumber that could have been sold for any price in that dump?

A. No, sir.

Q. Those piles with ends sticking out, aren't they of any value?

A. No, sir; it might look like lumber, but it never was merchantable lumber.

Q. How often do you go through the yard and practically clean it up?

A. I have men every day, but, of course, sometimes I don't have a chance.

Q. Has the scarcity of labor anything to do with the yard getting in bad shape?

A. Yes, sir; I had to work some of the white men 16 out of 24 hours; the Indians would not work that way. I then told the Indians to go through the trams and pick up the small pieces. I would have had them pick up all the No. 3, etc., and put them in the grades where they belong, but I could not get any men.

Q. All this lumber across the river and on the higher bank is in good shape is it?

A. Yes, sir.

Q. How much cleaner was the yard when I came here the other day than it usually is this season of the year?

A. It wasn't any cleaner. There are always pieces dropping off now and then; but the mill is shut down now and I have had a good opportunity to pick up. When the mill is running night and day I don't have so good an opportunity.

Mr. Ayer:

Q. What percentage of the pine in this neighborhood will run C and better?

Mr. Nelson:

A. I would say around 50%.

Q. What per cent would run B and better?

A. About 15%.

Q. How many thousand feet of miscuts have you made this year?
A. About 160,000—½ of 1%.
Q. How high have you ever known miscuts to run?
A From about 1 to 1½% we figured on where I worked before.
Q. Some of them have said that the machinery was out of order and that the last two plank would become destroyed and have to go into the lathe plant.
A. No; the sawyer, Mr. Turney, who was on the night shift, told me his carriage was not working right and that the last pieces came over the slasher, but I didn't see anything of that kind done.

Mr. Nelson:
In 1910 we piled No. 3 hemlock where that lumber was buried, and it settled down 8 feet. Now the evaporation from that hogfoot kept it continually moist; it wouldn't dry out, so I repiled it. When I got down to the water's edge after picking out the best of it, the bottom boards were so rotten that they were worthless. So I said: "Leave it there and we will cover it up," instead of having it taken away for lath.

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## EXHIBIT 6.

Report of Mr. Edward E. Ayer's interview with Mr. Peter L. Adams, foreman of the mill, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

Mr. Ayer:
Q. You are the foreman of the mill, aren't you?

Mr. Adams:
A. Yes, sir.
Q. Of course no mill will do good work unless it is kept in order, will it?
A. No, sir.
Q. Has it been in good order the last year, with the exception, of course, of things that would ordinarily occur?
A. Yes, sir.
Q. How about the resaw?
A. We have what is acknowledged to be a good one, although it is not the kind I wanted.
Q. But it has done good work, as a rule?
A. Yes, sir.
Q. Now, there have been some complaints that on the last two plank the resaw would not take 6-inch stuff, but would only saw 4-inch stuff; is that true?
A. Well, our resaw is an upright resaw. We have to take the slabs off until the first faces are clear. Now in sawing with the big bends on the carriages those faces must be finished, and sometimes they go through the bark which is left on and when thrown over to the resaw sometimes the bark drops off and that makes a little variation in the resaw. I have cautioned my sawyers about it.
Q. What is the usual percentage of badly sawed lumber in a place of this kind?
A. Well, I formerly worked for J. W. Wells. Mr. Wells is a man who has

had eleven different mills. He is located at Menominee. He would never raise much of a fuss until my miscuts amounted to 2%. In figuring up I find that here it is ½ of 1%.

Q. Have you had any trouble with any of your sawyers in the last six months?

A. Yes, I have; particularly with one.

Q. Will you give me his name and the nature of the trouble?

A. His name is Grant (J. T.) Turney. The nature of the trouble is that he is a general disturber. This last season we have been short of men pretty much all the time, and never started a shift, night or day, where I had any assurance of having a full mill crew. Mr. Turney, seeing that I was in trouble, would make more trouble. He is a man who talks a great deal and has knocked me to others, declaring that I was incompetent. He stamped the setter off the carriage one morning about 4 o'clock and was going to get another man, but the night foreman objected. The night foreman made him complete the shift. In the morning, on my way to work, I met the setter and he told me the nature of the trouble. This setter was a man that Turney took on as a carriage rider and developed him into a setter. This man said peremptorily that he would not wait for Turney any longer. This put me short of a setter and I couldn't get another, and I put Turney's son on as setter. I think he wanted to get his son a job. However, Turney's son did as well as could be expected.

Mr. Adams:

Another instance was where he had a rider who complained about his tools, his cant hook, etc., and he said, "If your cant hook don't suit you throw it in the conveyor." If it had been thrown into the conveyor it would simply have gone into the burner and disposed of it.

Another offense of his. He got sour at the blacksmith, who has to look over the carriages twice a day. The mill stops at 6.45 in the morning and he has three-quarters of an hour to look them over; also an hour at noon. The carriage crew are supposed to let him know what is wrong. Turney got sour at the blacksmith; nothing he did was right. The dogs in our carriages are the ordinary ones that came with the mill, the Prescott dogs. These are all right in big timber, although in small timber they are, we find, inefficient. Very often they would have to make a second and third attempt to hold the log. This Turney blamed to the blacksmith. Along about the Fourth of July the blacksmith got sick and I had to look after things myself. I took a dog out and without any change put it into a block on the other side of the mill and run it for three weeks. The man on the other side did not complain.

Mr. Ayer:

Q. How long did Mr. Turney work for the company as sawyer?

Mr. Adams:

A. This was the third season.

Q. Did he ever complain about the resaws before these last six months?

A. Occasionally.

Q. Do you pay any attention to the percentage of lumber that comes out of the log; are you in charge of that?

A. No; I have to look after the cutting in the mill, but not the sorting.

Q. Was there any complaint that the finish of the log could not be sawed properly and was destroyed?

A. No; if there was it was when I wasn't noticing things. You understand that with my multitudinous duties I can't be on the saw floor all the time.

Mr. Ayer:

Q. But it wasn't habitually that this happened, was it?

Mr. Adams:

A. Oh, no.

Q. This man is discharged, is he not? (Referring to Turney, the sawyer.)

A. Yes, I discharged him. He is now working at one of the camps. Now, in further testimony, Mr. Nicholson made an investigation and his notes are in evidence. I also have the signed statement of the men who work in the same capacity as Mr. Turney in the mill, and who were there at the time; of the millwright and his helper; of the night foreman and of the three other sawyers.

Q. Will you have copies of these statements furnished me; will you have Mr. Nicholson send them to me?

A. Yes, sir.

(COPY)

(Copied from original on Dec. 1, 1913, for Mr. Edward E. Ayer.)

MENOMINEE INDIAN MILLS, NEOPIT, WIS.

P. L. Adams, Mill Superintendent.

We whose names appear below use this means to contradict the statements made by Grant Turney to A. S. Nicholson and others.

A. That the machinery of the saw mill was allowed to run down to such an extent that good lumber could not be made with it.

B. That the men whose duties were to keep up the mill refused to respond to their calls, made by the signal whistle.

C. That Turney was discriminated against in the efficiency of the men assigned him for his work.

D. That the management of the mill suffered by comparison with that of other mills in this State during the season of 1913.

Signed by: D. C. Moyer, Sawyer.
E. J. Laporte, Sawyer.
Theo. Laporte, Sawyer.
Geo. Vasold, Millwright.
Axel Fosson, Oiler.
Otto Glassow, Night Foreman.

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## EXHIBIT 7.

Report of Mr. Edward E. Ayer's interview with Mr. Thomas Prickett, one of the Committee appointed by the tribe, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

Mr. Ayer:

Q. How long have you been connected with this plant?

Prickett:

A. Ever since it was built.

Q. Are you now working?

A. No; not for the last two years.

Q. Are you an Indian?

A. Yes; not a full blood, but I am a member of the Menominee tribe.

Q. Now, in a few words, tell me what is the matter. What do you suggest as the remedy?

A. The log superintendent here was not competent to run our plant, that is Mr. Woodcock, who left here some time this spring or summer.

Q. Was he discharged?

A. No; he resigned last spring.

Q. Who is in his place now?

A. Brigham.

Q. Have you had any experience with him?

A. From all accounts, since he has been here he has attended to his business and I know he is trying to save money for the tribe. He is a gentleman. Now if Mr. Woodcock got money for us we would all help him.

Q. Are you familiar with other loggings, in other sections of the country? Have you logged for private concerns?

A. I work at Merrill, Wisconsin.

Q. Is the lumbering done here on this reservation the last two years satisfactory?

A. No, sir; it is not.

Q. In what respect was the logging under Mr. Woodcock bad?

A. When a man is superintendent of three or four camps he has no business in this office all the week. They hired men with no experience of sawing logs that would make good lumber. (Here Mr. Prickett detailed an instance supposed to bear out this statement.)

At this point Mr. Ayer explained to Mr. Prickett how the plant had added to the funds at Washington, during the past two years, $444,000; that there had undoubtedly been mistakes made in the woods and about the mill and that our present duty here was to find out how important they were. Also that Mr. Ayer's expert had reported that the accounts were in good shape.

Mr. Ayer:

Q. What is this attorney employed by you Indians for?

Mr. Prickett:

A. Well, now, we Indians can come up here to Mr. Nicholson, but cannot get information; but Mr. Tyrrell can come up here to Mr. Nicholson and he knows what we Indians want and can find out from Mr. Nicholson.

Q. Don't you think the yard here today is in good, satisfactory condition?

A. Yes; everything is clean.

Q. Are the lumbering camps kept clean?

A. I think they are.

Q. You would be perfectly satisfied with Mr. Nicholson if they are making good money here?

A. Yes, sir; perfectly satisfied.

## EXHIBIT 7A.

Copy of Mr. Thomas Prickett's letter to Mr. D. F. Tyrrell, dated Neopit, Wisconsin, Dec. 11, 1913, and sent to Mr. Tyrrell at Washington, D. C.

MR. D. F. TYRRELL,
Washington, D. C.

My Dear Tyrrell:

Inclosed herewith find typewritten copy with my own attached as per your request of December 9th, last.

If I understand it correctly, you want me to answer the questions as I gave them at the time I had an interview with Mr. Ayer. You will note on the typewritten copy pencil marks, which mean errors of the stenographer or Ayer.

Q. Was he discharged?

A. I did not know, he resigned to take another place. Understand he got bigger wages.

Q. Who is in his place now?

A. There is a man here now. I heard he was doing good work and trying to pick up all the logs that was left.

Q. Have you had any experience with him?

A. (Down to further line about Woodcock.) Now if Mr. Woodcock made money for us we would like it, but he did not.

Q. What is this attorney employed by you Indians for?

A. I told him we could come to Nicholson and he'd turn us down, and we want him as our attorney during the investigation, the one that is coming.

Q. Don't you think the yard here today is in good satisfactory condition?

A. (He also asked me if the yard was cleaned every two weeks, and I answered No, for it never was cleaned for 2 years, and could get 50 white employees to testify to this.)

Q. Are the lumbering camps kept clean?

A. I don't know.

Q. Are you familiar with other loggings, in other sections of the country? Have you logged for private concerns?

A. Worked for Mr. McCord, of Merrill, Wis., for 18 years. I estimated timber for him and bought on my estimation and I put it in, that is, the timber.

There seems to be a question left out entirely as I remember of putting it up to Mr. Ayer explaining to him that there were too many men working both here at the mill and the camps. This is what Ayer leaves out of the report. Now, Mr. Tyrrell, these answers in response to the questions asked me are about as near as I can remember of answering, they do not differ very much, as shown on the report, only that there is a lot left out.

I am also sending you under separate cover the films you asked for, which goes forward in today's mail.

Very truly yours,

(Signed) TOM. PRICKETT.

## EXHIBIT 7B.

Report of Mr. Edward E. Ayer's second interview with Mr. Thomas Prickett, at Menominee Indian Reservation, Neopit, Wisconsin, December 17, 1913.

Mr. Ayer:

Q. There has been a question come up about the money raised by the tribe here and given to attorneys. How much money has been raised for that purpose and given to attorneys?

Mr. Prickett:

A. I have the book at the house: I couldn't say.

Q. Will you furnish me a list of these names this afternoon?

A. Yes, sir; certainly.

Q. That money was sent to Mr. Ballinger in Washington or given to Mr. Tyrrell?

A. No, sir.

Q. Sent to Mr. Ballinger?

A. Yes, sir. Two hundred fifty dollars.

Q. You raised $250.00 for Mr. Tyrrell?

A. No, for Mr. Ballinger. We raised it for the investigation that is to come.

Q. Did you expect, then, when the investigation was here, to have a lawyer come here?

A. Yes, to conduct our affairs.

Q. Had you been promised an investigation?

A. I think the Indian Office appointed some joint committee to investigate all the Reservations in the United States.

Q. Who promised you?

A. The Department.

Q. You were in the party that went in the woods?

A. Yes, sir.

Q. Had you been logging in the woods?

A. No, sir.

Q. For what purpose did you go?

A. Well, there has been parties here that saw timber that Mr. Kemnitz left lying here cut and I was ordered by the committee to see where the logs were.

Mr. Ayer:

Q. Then there is a committee appointed by the tribe to look after these affairs?

Mr. Prickett:

A. Yes, sir.

Q. Who are the members of the committee?

A. Mitchell Oshkenaniew, Louis LaFrambois and myself.

Q. Just three of you?

A. Yes.

Q. Is Oshkenaniew still in good standing in that committee?
A. I think so.

Mr. Ayer:
Q. In regard to cleaning up the mill. They commenced cleaning up when the mill was shut down?

Mr. Prickett:
A. I think so.
Q. After they shut half they commenced to clean up?
A. Yes, sir.
Q. When all the mill was shut down they put on a greater force?
A. Yes, sir.
Q. Now, you say that all of this money that was raised here was sent to

Mr. Ballinger?
A. No, sir; Mr. Tyrrell, we had to pay his expenses.
Q. When he came up?
A. Yes, sir.
Q. How much did you pay him?
A. We paid him $125.00.
Q. The balance of the $250.00?
A. The balance was sent to Mr. Ballinger.
Q. Do you know that LaFrambois mortgaged his place and sent $250.00 to Mr. Ballinger?
A. No, I do not think so.
Q. You never heard that he sent any?
A. I think he did.
Q. You have heard of it?
A. Yes.
Q. How much was that?
A. That was $250.00 that we raised for Mr. Ballinger.
Q. Then you raised $125.00 later for Mr. Tyrrell?
A. Yes, for his expenses.
Q. That money was raised by LaFrambois, the $250.00?
A. Yes.
Q. You do not know whether he mortgaged his place or not?
A. No, he had no real estate to mortgage. He had friends and raised the money.
Q. So that makes $375.00 the tribe has raised altogether?
A. Yes.
Q. When was the money sent to Mr. Ballinger?
A. Just before you came up the other time.
Q. It has been supposed, Mr. Prickett, that a law firm of Tyrrell & Ballinger are attorneys before the Court of Claims for Mr. Cook in pressing his claim against the Menominee Indians before the Court of Claims. Is that true?
A. I do not think it.

Mr. Ayer:
Q. What reason have you for not thinking that Mr. Tyrrell and Mr. Ballinger represent Mr. Cook in his claim for $32,000 and $100,000 damages before the Court of Claims in Washington?

Mr. Prickett:

A. This, Tyrrell would not accept his claim because it was turned down here before they took up them other cases. That is how I came to know it.

Q. Has Tyrrell told you or any Indians in your presence that he had nothing to do with it?

A. Yes, sir; he said so.

Q. He told the Indians so in your presence?

A. Yes, sir.

Q. Do you think he is attorney of some of the Indian claims on the same job?

A. Yes, sir.

Q. You feel very sure that Mr. Tyrrell and Mr. Ballinger have nothing to do with the Cook claim before the Court in Washington?

A. Yes, sir. I am sure.

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## EXHIBIT 8.

Report of Mr. Edward E. Ayer's interview with Mr. Louis LaFrambois, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

Mr. Ayer:

Q. I have come up here and I find a great deal of dissatisfaction. Now what's the matter with you?

LaFrambois:

A. Mr. Ayer, I came here a few months before Mr. Nicholson. At one time there was an engineer here, who was discharged. This Indian who was discharged wanted me to write Senator LaFollette, and in my letter I told the Senator that some of the people here were well capable of being camp foremen. I told him I was also a good fireman, that I could go into any plant as a good scientific fireman.

Here Mr. LaFrambois presented a copy of Mr. Nicholson's report against him.

Mr. Ayer:

Q. I want to find out what you know about this place. You have worked around here for three years?

LaFrambois:

A. Yes.

Q. Have you worked in other mills?

A. Yes, sir.

Q. Are you familiar with the conditions in other mills, with the dirt around the mills, etc.? How does this compare in cleanliness around the town, in the camps, in the planing mill, around the yard, in the warehouse, etc., with other mills?

A. I have been here since the lumber began to be piled and it was never clean until this fall.

Q. Do you consider the breakage around here excessive?

A. Yes; I do.

Q. Now, around the mills and the supply department, isn't it as clean as you usually find?

A. Yes, sir; they are in good shape.

Q. Do you know how many Indians have been employed here during the past year?

A. No.

Q. 271 have been employed permanently by the mill every day of the year, on the average. Don't you think this was a good portion of the 480 able-bodied men in the tribe?

A. They could have got more. We have had men here who were as good carriage riders as white men, but they could not see any prospect of advancement and so they quit.

Q. What were they getting?

A. $2.25 a day.

Q. Do you think it was wise for them to throw up a job when they were getting this salary—$60 a month?

A. Well, Mr. Ayer, carriage riding is very hard work and when they saw they could not be advanced they simply quit and went at other work.

Mr. Ayer:

Q. Have you any other grievance yourself, personally?

LaFrambois:

A. No. My grievance is that I am a good fireman and have had a lot of experience.

Q. Well, did you ever quit a job because they would not make you engineer?

A. No, I did not.

Q, And still you think these men who quit had a grievance? Don't you know that this is a business proposition here, that they have to make this mill pay?

A. Mr. Ayer, when I came here my ambition was to become an engineer, but I feel that I never could. I wanted to be, in my old age, an engineer and take care of everything. I know I could learn these things, but I never get a chance. My future is going to look just as black as the blackest depths of hell just as long as I stay here and there is no change. My wife likes this place here, but if this man stays here I am going to break up my happy home and go away.

Q. How many children have you?

A. I have seven children.

Here Mr. Ayer advised LaFrambois not to carry out his intention, to alter his point of view, telling him never to quit a job until he had another, and never to refuse a job.

LaFrambois:

I have been a woodsman for twenty years and yet a man comes here for twenty minutes and tells me I don't know anything about it.

And I want you to put this down, too—that I have been a citizen of the United States and voting for 21 years!

## EXHIBIT 8A.

Copy of letter from Mr. Louis D. LaFrambois to Mr. D. F. Tyrrell, attorney, dated Neopit, Wisconsin, December, 1913.

NEOPIT, Wis., Dec., 1913.

Mr. D. F. TYRRELL.

Sir: I find in the interview with Mr. Ayer on Dec. 1, 1913, are not as I worded the facts to him. I suppose it is due to the fact he had so much to do in such a short space of time, he also failed to take anything that might be damaging to Mr. Nicholson. I do not understand how this can be, as Mr. Ayer assured me he was my friend. I am not saying he is not my friend, but he is not a lover of fair play. I did not tell Mr. Ayer that I wrote to Mr. La Follette and told him I was a scientific fireman. I told Mr. Ayer himself that I had done scientific firing, that is the way us firemen term it when we test coal.

He failed to state that I showed him recommendations from very reliable people to show that I had been a lumberman for over twenty years, also a letter to show I was chief fireman for the Menominee River Sugar Company at one time. Now the Menominee Sugar Beet factory is one of the largest of its kind in the world. He also failed to say anything in regards to Mr. Nicholson's report against me. It showed Mr. Ayer very plain that Mr. Nicholson's report was a pure fabrication manufactured to suit his own purpose. I also told Mr. Ayer I did not quit the sugar factory because they did not make me chief engineer for the simple reason the Menominee River sugar factory is not owned by the Menominee Indians; they were not obliged to make me an engineer; but this plant here at Neopit was built here to educate us, but the opportunities to learn are denied us. I did not tell Mr. Ayer I was going to break up my home, but I told him this: if Mr. Nicholson stays here, a lot of us Indians will have to leave the reservation. My wife likes it very well here and that he, Mr. Nicholson, might be the cause of breaking up one happy home.

I said, Mr. Ayer, do you know that Dr. Dixon made a statement at Green Bay, Wisconsin, to the effect that he found the Indians actually starving on some of the reservations? Mr. Ayer said he did not read the statement. Well, I said, such conditions exist right on this reservation, that a lot of Indians might die of starvation if Mr. Nicholson stayed any longer.

Now, we will come to the engineering question. Mr. Ayer told me a man had to be a machinist before he could become an engineer. I told him I was no mechanic but this plant being built here for the Indians I thought they ought to overlook a few things and give me a chance as we had a very good mechanic here in the shop who could help me. I then told him of my family, how I loved my little ones just as he did his, that if I got a position that paid fair wages I could take better care of my little ones, that I was getting along in years and felt that I was entitled to it.

Question. Mr. Ayer, I have showed you that I am a lumberman, have been one for over twenty years.

Answer. You have showed me you are a first-class lumberman, also a first-class fireman.

I've showed you I have been a lumberman for twenty years. Now there is men who will come here who are not able to show and cannot show

to-day where they had been lumbermen for twenty minutes before coming here, yet these men will tell me I do not know what I am talking about.

Now when those logging cars were first brought here, I helped to put them together. It did not require skilled labor. There was two of us engaged in the work. The only difference between us was this: I was a better man than he was, meaning the man I was working with. He got two dollars per day while I got $1.50 per day doing the same work.

Mr. Ayer did not like this kind of treatment and he asked if this was done under the present administration. I told him it was under Mr Nicholson's administration. This was omitted. How about the lumber yard. I told him I was sure the yard never was cleaned till this fall and told him I could swear to that; I told I could get other men here who would also swear to the same thing. Mr. Ayer said I will take your word for it.

This is what took place to the best of my knowledge.

I will say further that the men who are employed here as engineers are not machinists by any means. I know myself that this man Bently who is running the big engine here in the mill was carrying wrenches for a steamfitter when this mill was built. Now if I was an engineer I do not think I would be around helping a steamfitter for a couple of dollars per day when I could be running an engine somewhere for twice as much money than what he was getting, but you see if an Indian asks for such jobs he has to be a very competent man or he don't get the job.

Now concerning the woods work here is where we are the heavy losers. I am one man that would not be a camp foreman under the present administration because those people does not know how to log, their method of logging is very expensive. I believe I could go up here to Camp No. 18 and save this tribe of Indians anywhere from one to five thousand dollars, just in this winter's work. I am not talking for a job as logging superintendent, but I say if I was logging superintendent I could do that and do it easy.

Now there is a man here who was riding carriage here in the mill. He is a Frenchman. Now the sawyer is a Frenchman also. This carriage rider buys this sawyer a five-dollar hat to let him set for him. What is the result? He gets the job not because he is capable, but because he buys this five-dollar hat. This is just to show how much chance an Indian has here. I told Mr. Ayer I was a voter and had been for 22 years and not 21 years as he has it. This was to show we are not all ignorant savages as we are sometimes painted.

LOUIS D. LAFRAMBOIS.

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## EXHIBIT 8B.

Copy of letter from Louis LaFrambois to Mr. Edward E. Ayer, dated Neopit, Wisconsin, December 17th, 1913.

NEOPIT, Dec. 17, 1913.

EDWARD E. AYER,
Chicago, Ill.

Dear Sir:

Just received your letter of recent date, stating you was in receipt of a letter telling you I had mortgaged some property in Marinette to raise $200.00 to send to Mr. Ballinger at Washington, D. C. It seems you want to protect

my interests, does it not? Mr. Ayer, I told you once before I had a lot of respect for old age. and I tell you again. Now. Mr. Ayer. don't you think it would have been better if you had looked up records and find out those things before you said anything about it? Mr. Ayer, you made a statement at Keshena that I had mortgaged property to raise money to send to Mr. Ballinger. Now you did me a great injustice for saying things you absolutely knew nothing about.

I gave you my hand when you told me you was my friend, but you have proven it to my entire satisfaction you are not my friend. Now, if you are my friend please let me know who wrote you such a letter. If you want to be my friend and want to protect my interests, have this man Nicholson removed at once. Then we will think you are the grandest old man that ever lived.

Respectfully yours,

Louis D. LaFrambois,
Neopit, Wis.

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## EXHIBIT 9.

Report of Mr. Edward E. Ayer's interview with Mr. T. J. Turney, sawyer, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Turney was presented to Mr. Ayer by Mr. D. F. Tyrrell, attorney, and was interviewed in the presence of Mr. Tyrrell.

Mr. Ayer:

Q. Are you working at the mill now?

Mr. Turney:

A. No; I am in the woods now. I used to be the head sawyer until the 4th of October.

Mr. Ayer:

Q. Mr. Turney, I wish you would outline, in a general way, what you think is the trouble around here.

Mr. Turney:

A. The principal trouble has been with the mill, that there has been nobody looking after it. We would try our best to get anything that went wrong in the mill fixed, but without success. Now, one time our lubricator went wrong and I called the millwright's attention to it, but at 10.45 they went out to dinner without replying. I found Mr. Adams then and told him my trouble, but still nothing was done between that time and noon, and so I cut only 500, and I should have cut somewhere from eight to nine thousand.

Another thing that has been wrong is the resaw. A resaw is supposed to cut rough stock. Now, the way this one is fixed it splits in the center. You have to take off the slab and the 2-inch board and the 2-inch plank. They have been experimenting with this resaw ever since I have been here, and I guess they always will be.

Mr. Ayer:

Q. Now, in regard to this resaw and this breaking down, how long have you sawed in this mill?

Mr. Turney:

A. Four years the later part of this winter.

Q. Has this occurred before, that is, the break downs not attended to promptly?

A. Yes. And the entire force of millwrights after 10.45 do not pretend to do anything; they get ready to go to dinner. The proper way is to go at 11.00 and leave the mill running alone until they get back again.

Q. What time do they return?

A. Well, they generally go down to the blacksmith shop and sit around until the 12 o'clock whistle blows, and then they go into the mill.

Q. Then between 11 and 12 there are not any millwrights in the mill?

A. No.

Mr. Turney:

Last Fall when they shut down the lumber was being spoiled. Mr. Adams sent to Prescott's for a man to fix the set works. So we got a man down here to repair them. When he came he found that Mr. Adams had removed what he considered the king pin of the set works, what he calls the cushion. Mr. Adams told me to go with this man and watch him to see that the set works were fixed. A fellow stayed here about four days and all he had to do was to put back on what they had taken off.

Mr. Ayer:

Q. Did they then work all right?

Mr. Turney:

A. Yes.

Q. How long had they been running badly?

A. A full season; a year.

Mr. Turney:

Just before we shut down for the Fourth of July Mr. Adams notified me that the sawyers would not do any repairing. So consequently we kept away from the mill for ten days, and when we came back we found the carriage in the most ridiculous shape and consequently we couldn't move a truck on the carriage. Well, after we got the carriage adjusted we found the head blocks were 1½ inches away from the saws. The dogs here have never been taken care of. One would get bent and they would come out and bend it back cold, which would make it like a letter S. Mr. Adams let this go eight days one time before this was fixed at all.

It would be safe to say that 60% of the last two plank went on the slabs to the slasher, and whether they were cut for lathe or went to the burner I don't know.

Mr. Turney:

To go back to the resaw. This can do nothing but split in the center. Now if we had a bill for 3x6s, 3x8s or 3x12s, this resaw is supposed to cut up anything from 14 inches down, but you cannot cut 3-inch.

Mr. Ayer:

That is the fault of the type of resaw that they have.

Mr. Turney:

No. It is the fault of the remodeling that Mr. Adams did.

## EXHIBIT 10.

Report of Mr. Edward E. Ayer's interview with Mr. Theo. LaPorte and Mr. Ed. LaPorte, sawyers, Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913. Mr. Theo. LaPorte speaking, and expressing the views of both.

Mr. Ayer:

Q. Are you connected with the mill?

Theo. LaPorte:

A. Yes, sir, I am one of the sawyers.

Q. What has been the general condition of the mill for the past year, as far as its adaptability to saw good lumber and everything of that kind.

A. Well, sir, in general I think the conditions of the mill have been up to the standard, and as to the mill manufacturing lumber as other mills, I think it has been as good as any of them.

Q. Which side have you sawed on? Who was your other sawyer?

A. D. C. Moyer.

Q. Does he feel about the same as you do?

A. Yes, sir.

Q. Do you think if any bad lumber comes through that the machinery of the mill has been to blame?

A. That's just about the way it has been. The machinery has been out of order, but just for a short time.

Q. And when you reported anything wrong with the carriage or dogs or anything, it has been attended to in a reasonable time?

A. Yes, sir.

Q. Do you pay any attention to the grade of lumber that comes out of certain logs?

A. Yes, sir, we do; that is our business.

Q. Now, in sawing a log of say, 500 feet, what would it make?

A. Well, it isn't our business so much to figure out what the log will make, but to go after the grades.

Q. Well, what percentage of say B and A boards do you get out of a white pine log?

A. Probably one-third,—of the higher grades.

Q. Are there any logs here that will run more than one-third of the two best grades,—B and up

A. Well, sometimes we can cut as low down as D-select and better.

Q. But, taking 150 of the best logs that come out, the average would be how much?

A. I think we ought to get, on an average, right straight through, 25 per cent of D and better.

Q. Would there be very much culls?

A. Why, no; very few.

Mr. Ayer:

Q. Did you have any difficulty, the last six months before you shut down?

Theo. LaPorte:

A. No, sir.

Q. The machinery was satisfactory, and everything attended to at the proper time?

A. Yes, sir.

Q. And you have run opposite Mr. Turney for his last six months in the mill and you find his machinery was all right and everything, and that there was nothing the matter on account of the mill being inadequate?

A. Oh, no, sir. (Meaning the mill was not inadequate.)

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## EXHIBIT 11.

Summary of detailed report of Mr. J. P. Kinney, Supervisor of Forests, in the employ of U. S. Government, dated December 10th, 1913.

December 10, 1913.

My Dear Mr. Ayer:

In my report of December 5th, 1913, to you, regarding the lumbering operation conducted by the Indian Service at Neopit on the Menominee Indian Reservation in Wisconsin, I gave you in detail the most faithful word picture that I could of the conditions as I actually found them during an investigation extending over the four days, November 29th to December 2d, 1913, inclusive. I thought it advisable to put into permanent form a statement of the facts as presented to us by the Indians and purposely avoided an expression of my personal opinions upon the situation, except so far as was necessary in order to give you a clear view of the "setting" of particular occurrences in the woods and of the general impression which, as it seemed to me, those occurrences would make upon any one. That is, I aimed to confine myself as much as possible to the function of a witness and to present facts from which you could draw conclusions. In compliance with your subsequent request, I shall now express briefly my own conclusions as to what I found at Neopit. I shall discuss the woods end of the operation chiefly, for I have as yet had but limited opportunity to investigate conditions at the mill and I know that you were able to make a personal examination of conditions in the mill and lumber yard.

Prior to the autumn of 1910 all logging under the Act of March 28, 1908 (35 Stat. L., 51), had been conducted in the area west of Neopit along the branch line of the Wisconsin Northern Railroad and in a small area near the main line of this railroad at the southern border of the reservation.

The year 1910 was one of exceptional drought and severe forest fires. In the late summer or autumn of that year a fire burned about 50,000,000 feet of timber in parts of Sections 24 and 36 of Township 30 North, Range 14 East, and Sections 19, 20, 29, 30 and 31 of Township 30 North, Range 14 East. The larger part of this timber was white pine. It was of course recognized that the worms would seriously injure this timber if it were not logged within two years. Very late in the fall of 1910 work was begun on a logging railroad which connected with the Wisconsin Northern near the center of Section 33, T. 30 N., R. 14 E., and extended in an easterly direction to the burned area.

Logging operations during the following two years were confined almost exclusively to the timber which had been burned. In the fall of 1910 three

Camps, 11, 12A and 14 were built in the burned district. These camps directed their efforts chiefly toward the saving of the white pine which had been burned. Over 15,000,000 feet of pine were cut and decked. As soon as the railroad could be completed in the spring of 1911 the hauling of these logs to the mill began. Fortunately no fire occurred in the summer of 1911 and the burned pine was brought to the mill and manufactured at a satisfactory profit.

The only really serious waste of timber in the woods to which our attention was directed consisted of the white and Norway pine logs which were not taken out from a part of the area logged in 1910-11. As I have said in my report of December 5th, the leaving of white pine logs of the quality which we found seems entirely inexcusable, but when consideration is given to the very unusual conditions which existed there at the time, it is easy to understand how the Supt. of Logging then in charge might have become somewhat indifferent to the aim of clean logging, his effort being to make every stroke of work count in the accomplishment of the big things in hand.

I do not wish to be understood as condoning or palliating the failure of the management to pick up valuable pine logs lying near the railroads and sleigh roads, but I am presenting the above facts as a reasonable explanation of why results were as we found them. It must be admitted that Mr. C. H. Woodcock, the superintendent of logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen District to the Menominee Mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit cut during the year 1910 to 1912 inclusive, in the Evergreen District, was from $1.00 to $2.00 less than the cost of logs under similar conditions at other mills in Wisconsin.

The greater portion of the timber cut in 1911-12 consisted of hemlock (22,000,000 feet). The leaving of burned hemlock uncut within the area of logging operations of 1910-1911 and 1911-12 was pointed out by the Indians as particularly representative of mismanagement, As I have observed in my report of December 5th, the hemlock market in the autumn of 1910 gave promise of a margin of only 66 cents per thousand in the manufacture of hemlock lumber and this $.66 must cover both stumpage and profit. The amount realized for both stumpage and profit on hemlock sold during the period October 1, 1911, to September 30, 1912, was only $1.56. The cost of manufacturing this lumber was not above the average cost at other mills of the same grade in the State of Wisconsin. Clearly the management made no mistake in devoting its chief energies toward the saving of pine rather than hemlock, and the enormous loss which has been alleged through the leaving of the less accessible hemlock and that of poorer quality, never, in fact, occurred.

The cedar cut by Paul Tebeau and left in the woods was within the logging area of 1911-12. This operation looks bad. The loss in stumpage value there was not serious, but the amount expended by the mills in "staking" the Indian contractor, Tebeau, in this fizzling attempt to cut and land cedar was a clear loss. It is hard to fix responsibility in such a case as this. I don't feel that it is just to criticise Mr. Nicholson too harshly for disastrous results which flowed from an attempt on his part to encourage an Indian in industry.

Aside from the leaving of pine, hemlock and cedar in 1910-11 and 1911-12,

no evidence of waste or mismanagement of any serious consequence was presented, except the leaving of unpeeled pine logs in the woods during the summer of 1913 from the square timber operation and other cutting of 1912-13. The number of such logs was not large. I should judge the whole amount thus left would not exceed 20,000 feet. At a stumpage of $11.00 per M, this timber has a value of $220.00. Even if these logs be given a stumpage value double this amount the value is not of great relative importance in connection with a lumbering plant logging 30,000,000 feet a year. I have no hesitation in asserting that the stumpage value of these particular logs for sawing into timber at Neopit, or at any other mill was less than $20.00 per M. For the sake of argument let us put the value at $20.00 per M. This gives a value of $400.00 to all that was left. The depreciation could not possibly be placed above 10 per cent, or $40.00. Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of non-feasance appear a mountain of mal-feasance?

I am sincerely thankful that the Indians observed the mistake that had been made and that they desire to direct attention to it, I cannot escape the conviction that if all of them had been perfectly honest and possessed of a really helpful public spirit the matter would have been reported to Supt. Nicholson and probably corrected. And it is but just that I should say that in my opinion more things of this character would be reported to Mr. Nicholson if his attitude toward the Indians and his employees were less reserved. If Mr. Nicholson were more approachable possibly there would be less tendency on the part of the Indians to confide their imperfect knowledge and fancied wrongs to persons having a limited and biased perspective of affairs upon the reservation.

When sifted. the charges of waste and loss in connection with the cutting of white pine and rock elm timbers were found to be of little substance. The slabs taken from the pine timbers had been paid for. An exceptionally high price had been received for the pine taken, No man with any accurate knowledge of the market value of white pine and rock elm timber in Wisconsin would think of charging that the Indians were suffering a loss through the sale of the hewn white pine and rock elm.

During the thirteen months, from September 1, 1911, to September 30th, 1912, the Menominee Indian Mills sold 11,717,870 feet of white pine at an average price of $24.62 per M. I believe it fair to assume that substantially representative quantities of the different grades that the Menominee white pine will cut out were included in the amount then sold. That was the year when the large cut of pine made in 1910-11 was sold. The average cost of all lumber loaded in the car for shipment without stumpage was shown by the Neopit books for the year ending September 30, 1912, to be $9.72 without stumpage. This shows $14.90 for stumpage and profit combined. The cost of manufacturing pine is somewhat less than the average for all species. Let us assume that the cost of manufacturing pine was only $9.00. This would leave $15.62 for stumpage and profit. The prices of white pine in general have not advanced since September 30, 1912. White pine B select and better is quoted today by the standard Minneapolis price list at $72.00 per M for 2-inch stock. Very small quantities may be obtained by careful selection which will bring as high as $85.00 when sawn in especially thick plank. However, the greater part of the higher grade output of mills manufacturing northern white pine is sold as C select and better.

The highest quotation on this is $65.00 per M for 2-inch stock. Now the sort of timber which is taken by Mr. Kemnitz under his hewn timber contracts would not saw out more than 30 per cent of C select and better. The other 70 per cent would fall into lower grades and part of it would need to be sold in the form of sawn lumber for as low as $35 or even $25 per M. As the timber which was cut by Mr. Kemnitz in the spring of 1913 was sold at $70 per M stumpage for all he took, including the slabs which he hewed off, I am at a loss to understand how anyone with ordinary intelligence and sincerity of purpose can assert that the Indians suffered a loss because this pine was not brought to the mill and manufactured. Should it be suggested that the pine could have been cut into logs and sold for manufacture outside the Reservation, I venture to assert that the logs which Kemnitz took in 16-foot lengths on cars could not have been sold for $35.00 per M, or one-half what was received for them without the cost of logging. Furthermore, the logging could not be done on this timber as cheaply as on the pine logged in 1910-11.

Let us discuss rock elm for a moment. The mill run value of the rock elm sawn into lumber and sold at Neopit in the fiscal year 1912-13 was $18.84 per M. The average cost of manufacture during that period was $10.16. Over two-thirds of the entire cut was hemlock, and the cost of manufacture on rock elm alone was probably at least $11.50 per M. This leaves $7.34 for both stumpage and profit. Careful computation at Neopit has shown that the sale value of 1,000 feet B. M. rock elm at 47 cents per cubic ft. of hewn timber is $31.82. If we deduct from this $31.82 a charge of $2.00 to help wipe out the book charge for railroad construction, overhead expense, etc., which must be met by all stumpage cut on the reservation, we have $29.82 as the actual amount per M realized for stumpage and profit on rock elm sold for hewn export timbers. That is, the net amount realized per M on the elm used for hewn timber is more than $20 per M higher than the amount which can be realized through the manufacture of the same timber into lumber.

Very respectfully,

J. P. Kinney,
*Supervisor of Forests.*

Hon. E. E. Ayer,
Railway Exchange Bldg.,
Chicago, Illinois.

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## EXHIBIT 11A.

Supplementary report of Mr. J. P. Kinney, Supervisor of Forests, in the employ of U. S. Government, dated December 16th, 1913.

Answering Mr. Edward E. Ayer's question in letter of December 8th, 1913, "What percentage of the merchantable timber left in the woods in the last three years will still be able to be taken to the mill?"

December 16, 1913.

My Dear Mr. Ayer:

Your letter of December 8th was forwarded to me from Washington and received yesterday.

The total amount of logs left in the woods at Neopit during the past three years, which came to my attention, would not exceed 100,000 feet. I should say that at least two-thirds of this timber can be brought to the mill so as to realize a profit upon it. Thus the actual amount of these logs that cannot profitably be saved will be 25,000 to 30,000 feet board measure.

There were doubtless some logs left which I did not see, but as we covered a large part of the operations of the last three years, and traveled over large areas where all logs were picked up at the time of the original logging, I feel that we saw nearly all of the waste.

The amount of fire killed hemlock left standing, which will not be logged this year and which could have been handled at an advantage from the camps previously established, would not, in my judgment, exceed 250,000 feet.

Respectfully,

J. P. KINNEY,
*Supervisor of Forests.*

Hon. E. E. AYER,
Chicago, Ill.

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## EXHIBIT 11B.

Copy of report of Mr. J. P. Kinney, Supervisor of Forests, in the employ of U. S. Government, dated December 5th, 1913.

DECEMBER 5, 1913.

Hon. EDWARD E. AYER,
Member of Board of Indian Com'rs,
Railway Exchange, Chicago.

MY DEAR MR. AYER:

I submit a report upon my examination of logging conditions on the Menominee Indian Reservation in accordance with your request and the instructions of the Commissioner of Indian Affairs.

I reached Neopit on the morning of Saturday, November 29, 1913, and after being introduced to you by Superintendent Nicholson left immediately for the woods on a logging train. The party with which I spent the day consisted of the following persons:

Mr. Philip Smith,
Mr. L. P. Holland,
Mr. D. F. Tyrrell,
Mr. A. S. Nicholson, Supt. of the Reservation;
Mr. Ernest J. Brigham, Supt. of Logging on the Reservation;
Mr. Lincoln Crowell, Deputy Supervisor of Forests on the Reservation;
Mr. Louis LaFrambois, an enrolled Menominee Indian;
Mr. Reginald Oshkosh, "
Mr. Simon Beauprey, "
Mr. Adolph Amour, "
Mr. Paul Tebeau, "
Mr. Thomas Prickett, "
Mr. Robert Sanapaw, "

Mr. Mitchell Waukaw, "
Mr. Joseph Longley, "
Mr. Mitchell Komanekin, "
Mr. J. P. Kinney.

The logging train was placed at the disposal of the Indians in order that they might have the fullest freedom to show us the things of which they had complained. Mr. D. F. Tyrrell, who told me his home was in Gillette, Wisconsin, and that he practiced law there, appeared deeply interested in the examination of the works, and apparently had held previous conferences with the Indians as to matters complained of. He said he had been upon the Reservation before and had been over a large part of the past operations. So far as I know Mr. Tyrrell was in no way the accredited representative to the Indians and was upon the Reservation by the courtesy of the Superintendent; but as he manifested such interest in the matters which the Indians desired to bring to our attention the greatest deference was shown to him in the way of an investigation of every instance of mismanagement or waste which he himself offered to show.

The logging train first ran into a spur on Section 17, T. 29 N. R. 14 E., half way to Camp 12 from Neopit. Here Louis LaFrambois and Mr. Tyrrell took the lead in criticism of the manner in which logging was being conducted, and as to the deterioration which had occurred in three white pine logs that had been cut last spring or summer and had not been skidded until recently. These logs had not been peeled and the worms had worked in them. There was a difference of opinion as to the amount of damage that had been done. I asked that one log be scaled full and then scaled inside of the sap. Its full scale was 370 feet; the scale inside of sap, 280 feet, a difference of 90 feet. Some of the Indians and Mr. Tyrrell insisted all of the sap was practically worthless as compared with the value it would have had if it had not summered on the ground. There can be no doubt that the logs had deteriorated to some extent. They should have been peeled. The explanation by Mr. Nicholson that they knew they would get the logs this winter was not satisfactory. These logs were within two miles of Neopit, either the trees should not have been cut or else such supervision should have been exercised that they would not have been overlooked and allowed to lie through the Summer, especially with the bark on.

The objection to the manner of logging was that logs which had been decked this Autumn a short distance from the railroad spur, should have been left on the ground and skidded directly to the track when hauling began, or skidded to the track and decked there at first. Mr. LaFrambois and Mr. Tyrrell declared that there would now be a double decking expense because the logs would be sleigh hauled to the track and decked again. The distance to the nearest deck of logs was found by Mr. Crowell to be 75 paces, or 150 steps, about 400 feet. Obviously this was a very short sleigh haul if the logs were to be again decked.

To a query whether he intended to deck these logs again Mr. Brigham replied: "Certainly not; we shall load directly to the cars from the sleighs." When pressed as to what objection they had in view of this, Mr. Tyrrell and the Indians refused to accept Brigham's statement and said it had been customary on the Neopit operation to do the duplicate decking of which they complained. Although Mr. Nicholson said it had not been the custom, the Indians insisted it had and I asked them to take us to some place where

this had been done. They eagerly agreed to do this, dependence being placed upon Samuel LaFrambois to take us to one of the flagrant errors in this line. When we boarded the train, Samuel took us to the site of a large landing used at Camp 15 in the season of 1912-13, and declared this to be a place which showed the condemned practice. This was in the NW/SW of Section 10, 29, 14. Careful questioning developed the fact that Samuel had himself skidded at this old landing and that what he objected to was the unnecessary expense which had been incurred through skidding the logs for a long distance directly to the track instead of decking them where found and later sleigh hauling to the track. That is, this landing showed exactly the opposite of what was required as evidence of the statements made by the Indians at the landing first visited.

I am sure every man present realized fully when we left this place that the evidence which had been offered disproved the previous allegations. I wish to, make it clear that I do not believe Samuel LaFrambois had any purpose to deceive. He had simply misunderstood the situation, and in their eagerness to find proof of their statements the others had not sufficiently inquired into that which he expected to show. Nothing further was offered through that day or on the two following days to show that the Indians had suffered any loss through mistaken judgment on the part of the present or the former superintendent of logging, or any camp foreman in the decking of logs.

The Indians took us to a stick of hewn white pine timber which had not been taken from the woods. This timber had been hewn under the Louis W. Kemnitz contract for ship timber. The stump measured 31 inches in diameter. The stick was not fully squared but had waney corners. The butt end measured 25 inches from face to face, each way, and 31 inches across from each waney corner to the diagonally opposite one. The stick was 38 feet long and the top measured 23½ inches from face to face one way, 24 inches the other way and 26 inches from one wane corner to another. It was submitted as an exhibit of the great loss which the Indians were suffering through the wasteful hewing and the leaving of timber by Kemnitz. The stick bore the number 187 and other score marks which Mr. Crowell said were the private marks of Kemnitz. Mr. Crowell said the stick had been scaled and Mr. Nicholson told me it had been paid for. Since you left Neopit, I have taken great pains to ascertain whether this stick was actually scaled and paid for. I am forced to the conclusion that Mr. Nicholson was mistaken. I find that Charles Duquaine, a Menominee Indian who was scaler at Camp 15 last year declined to scale waney board pine timber on the excuse that he did not understand how, and that Thomas Smith, a white man who was scaler at Camp 14, came down to Camp 15 to scale the pine timbers as they were loaded out by Kemnitz. Under this system the stick would not be scaled unless Smith went to the woods and found it, and as this was not his duty there is little reason to believe that it was scaled. I had Mr. Smith interviewed and he said he did not remember getting the scale of any stick at Camp 15 that was not loaded out.

We found another white pine tree which had evidently been cut by Kemnitz and had been left because it was not suitable for hewn timber. It had been peeled, was a large tree and Mr. Prickett said he had previously scaled it and found it to be 38 feet long and to contain 1,430 board feet. I should judge these figures about right.

At Camp 15 on the NW/4 of 16-29-14 we found several dry pine logs rolled up for cutting into fire wood, which contained some merchantable lumber. This was bitterly denounced. We were all agreed that some fairly good lumber could be made from two or three of the logs. They had all come from one tree. Dan Hurley, the foreman of this camp, said he had gone some distance to get this, dry wood being uncommon in that locality. There were certainly extenuating circumstances. Mr. Reginald Oshkosh said it had always been customary to use pine of this quality or better at Indian logging camps. A certain amount of dry pine is necessary for building fires and cooking. I believe a mistake had been made but it was clearly not a matter which merited the prominence given it. Mr. Tyrrell made particular objection to the quality of hardwood which had been hauled in for wood. His remarks were, in my opinion, unwarranted. A cook cannot be expected to use wet or rotten wood when preparing meals for 60 or 75 men three times a day.

On the NW/SE of Section 10, 29, 14 we found quite a number of pine logs left and one whole pine tree which had not been cut into logs. These had been peeled. On the SW/SE of the same section 60 feet had been taken from a pine tree for square timber. Mr. Tyrrell objected to the great waste in slabs. As these pine timbers were all scaled from one waney corner to another and in 16-foot lengths, through allowance for rise, and payment was received for the full log scale contents of every stick taken, including the material removed in the form of slab, the objection was entirely without force.

On the SE/SW of Section 10 hemlock, hardwood and pine logs had been left. The ground was low. Dan Hurley said that the logs were cut late last spring and that an unexpected loss of snow and breaking up of frost prevented the skidding of these logs in the spring. Mr. Crowell said he personally thought this to be the case. One pine tree over 3 feet at the butt and measuring 83 feet from the butt to the broken top had been felled by Kemnitz and left unsawn. No waste had yet resulted and it can be gotten this winter. It was in connection with the discussion of the advisability of cutting such pine as this that Mr. Tyrrell declared most positively that such trees were growing at a high rate and that they were increasing rapidly in value each year through growth alone.

He expressed the opinion that such a tree had averaged a ring of growth ⅛ inch wide each year throughout its life. As an inspection showed 35 annual rings in the last inch of growth and as the tree was undoubtedly more than 225 years old and probably 300, the misunderstanding of Mr. Tyrrell and the Indians as to the loss which was being occasioned through the cutting of such pine was fully apparent. On the NE/SE of 10 and the NW/SW of 11 were unpeeled pine logs. From one pine felled by Kemnitz only 24 feet had been taken. The 12-foot butt log left scaled 530 feet full, and 440 feet inside of sap. The merchantable top left measured 34 feet. These logs will be gotten this winter, but I entirely agree with the Indians they should not have been left over summer in the woods.

I have made diligent inquiry as to the reason why these logs were left. Mr. Kemnitz tells me that he was not advised as to the particular sections, quarter sections or forties on which he was to cut pine timbers, but was told to get them in the locality of the general logging operations and to fell any pine from which he could probably obtain hewn timbers. It seems

to me it was the clear duty of the management to designate the areas from which he was to cut and that the superintendent of logging should have kept such check on the hewn timber operations as to have been able to pick up practically all of these logs last season. As the greater part of the logs and trees left by Kemnitz because of unsuitability for waney board timbers have been peeled and practically all can be picked up this winter the loss of thousands of dollars which the Indians allege is not apparent.

However, there is abundant evidence of a lack of care. The fault is inexcusable. In my opinion the blame lies primarily upon Mr. Charles Woodcock, the former superintendent of logging, but I cannot excuse Superintendent Nicholson. Certainly the relationships of Indians and Indian Service employees on this reservation should have been such that conditions of this sort, known to many persons, should not have been permitted to continue unremedied.

We visited the area cut from camp 11 which was located in NE/NW of Section 31, T. 30, N. R. 15 E. This camp was built in November, 1910, after the big Evergreen fire and was used two years. Here we observed a good white pine log 18 feet long right beside the track, and only a short haul away, 2 whole trees each containing more than 60 lineal feet of merchantable length, 14 large white pine logs and 1 squared timber 40 feet in length on the SW/NE of 36-30-14. These were said to have been cut the spring of 1913 and had that appearance. They were not peeled and it will now be necessary to haul them to camp 17, about one mile distant. The SW/4 of Section 31-30-15 was logged in 1911. Some logs were left here and merchantable dead pine left standing. Some of the dead pine which was here pointed out by Mr. Tyrrell as constituting great waste had evidently been burned after an old logging operation and had been dead 10 or 15 years. In this connection it seems to me proper to observe that Mr. Tyrrell's position was quite inconsistent in that he magnified greatly the loss through worm damage to green pine logs which had lain but a few months and yet maintained that the language of a mill man, who had told him that any pine board which would hold together was worth sawing, must be accepted literally. Here night came upon us and we took the train to Neopit.

On Sunday morning we again took the logging train to the woods. One or two Indians remained at Neopit and two or three others joined us including Thomas LaBell and Mose Kitson. We first inspected a railroad fill on the SW/NE of Section 10-29-14. The fill was 13 feet or over, and the cut at each side of the fill about six feet. Merchantable hemlock and hardwood logs had been used in the fill. Mr. Tyrrell argued that unmerchantable and decayed logs which could be obtained in that locality, should have been used for the fill. Mr. Prickett said more dirt should have been used and declared the greater part of the dirt from the cut had been hauled away. Yet he admitted he had no personal knowledge of where it had been taken or whether any actually had been hauled away. His statements in this matter were absolutely worthless as evidence. Any one at all familiar with logging road construction would appreciate the utter folly of Mr. Tyrrell's proposition that a heavy fill of this character on a main line logging road where a 50-ton locomotive was used should be built largely of unsound logs and wood trash.

On Section 31-30-15 near quarter corner of Section 30 and 31 we found a dozen good pine logs and on the NE/NW of 31 a culvert timber. In Section 30, near the line of Section 31, were a dozen white pine logs lying in a

swamp for a railroad grade. In the NE/NW of Section 1, SW of camp 11 (Walter Quick, foreman), were 21 hemlock logs and 8 pine logs cut in 1910-11. Between camp 11 and the railroad track, 300 feet apart, we found 10 good quality white pine logs.

I have no doubt there were pine logs left which I did not see and many hemlock trees were left standing besides the logs left. Mose Kitson took us to a log and dirt railroad bridge and fill on the NW/4 of Section 31-30-15. Kitson said 4 men (including himself) and one team worked two days cutting and skidding logs for this fill. Mr. Peterson, who had charge of this work, said about 12,000 feet were put in there; only one pine log. I am inclined to believe the fill could not have been more cheaply made. Mr. Tyrrell declared that this was a locality which he had particularly in mind in his statement, that thousands of dollars worth of timber had been wasted.

The logging railroad grade beyond camp 11 as constructed in 1910, followed a small creek for about ½ mile through low ground. It appears that after the first year's logging was completed a cut-off was made skirting the slope of a hill. The length of the cut-off was not over ½ of a mile. On the cut-off it was necessary to remove loose dirt and stones a depth of 3 ft. to 8 ft. for a distance of 550 or 600 feet. The average depth of the cut was placed at 4 feet. John Peterson, assistant superintendent of logging, said the cut-off was built in June, 1912, to bring out the logs from camp 12B located in the NE/SW of Section 20-30-15. This cut was shown as an exhibit of a useless expenditure of Indian funds in the relocation of a railroad grade.

Mr. Peterson told me that the expense of upkeep on the old road bed was very heavy because of its location in low ground and its many curves, that the cut-off was built so as to get a good roadbed for the hauling of heavy trains of logs. He thought the expense justified. To quite an extent his explanation was plausible in view of the condition there. The cost of the cut probably was not very heavy. Supt. Nicholson remained at Neopit Sunday. He later explained that this cut-off was built as a passing track for trains. This explanation also seemed plausible.

I regret to say that the conflicting explanations of Mr. Nicholson and Mr. Peterson left me in some doubt as to just why the cut-off was made. As a test to Mr. Peterson's memory and as a check against his having failed to remember all circumstances while talking with me I called him on the 'phone later and requested a restatement from him as to why this cut-off was made. He gave the sole reason as the need of a better track, saying that only 5 or 6 cars could be brought over the swamp location and that they wished to bring 12 cars direct in, past this point, from camp 12B. He said positively and repeatedly that the rails from the old grade were placed on the cut-off. I am convinced Mr. Nicholson is mistaken as to the "passing track" proposition. I am not prepared to say that the making of the new grade was an unnecessary expense.

The logs which Tom LaBell cut on the east side of railroad NW/SE of Section 32-30-15 in 1912 were hauled to a landing alongside this cut-off. LaBell used Camp 11. He said the rails beyond the cut-off and on the old circuitous grade had been taken up before that time. Mr. Tyrrell had pointed out hemlock ties, which had been laid as a travel bed for horses used on a jammer in loading LaBell's logs, as an exhibition of waste. Mr. Tyrrell's statement that 110 of those ties were all salable was absurd. There was hardly a tie among them that would have met standard specifications

where new and practically all, and I believe all, had been used once as shown by the spike holes. LaBell paid $36.00 for use of camp 11 and $30 for use of sleighs for the season of 1912-13, cut 500,000 feet, hauled about 2 miles, received $6.00 per M and cleared $1.00 per M. These were his own statements to me.

In the SW/4 of Section 32-30-15 attention was directed to cedar cut out of the logging road in 1910 and left. Mr. Tyrrell said this was that which he had referred to in a statement he had filed. Northwest of Camp 11 we found a second cut in a pine left, it scaled full 550 feet and 380 feet inside of sap; at lower end was a 10-inch defect in heart and at top 6 inches. We placed it at average of 8 inches. The tree was a wind fall, and the second cut very knotty. The 3d log was crotched but contained 180 feet. Another 6-foot cut which might have been taken scaled 220 feet full, but had 8 inches center rot. There were also two small logs in the top, but the tree had been dead years and worms were in it long ago. It was only 20 rods from railroad. Farther along the track was a small pile of cedar, a pine log and a cedar pole 30 or 40 feet long, close to track. Away a few rods Mr. Tyrrell reported he found 30 foot left in a pine from which the butt cut was taken, and hemlock logs left. This was about 40 rods from railroad. I was talking with Mr. Prickett when he made this examination. His statement that he would make a record of any refusal on my part to go in and see timber, prompted me to record that which he reported. I accept his report without reservation.

On the NE/4 of 36-30-14 was a white pine cut and left. Hollow, but log 12 feet long. Had it been rolled out one could crawl through it, but rim was sound and I allowed 200 feet scale; 2d log 480 feet; 3d log 480; top piece about 5 feet long allowed 140 feet. Near by was a 26-inch Norway stump only a 12 or 14-ft. log taken; rest good. On NW/4 of 31 a horse jammer left. I noted boom stick broken in half, brace to this broken and one runner split; not of much value. A 16-foot hemlock near sleigh road cited as waste, I found cut from a dead tree, full scale 270 feet, actual sound material not over 50; haul to railroad nearly ½ mile. Noted several hemlock skids left, one hemlock log scale 180 feet.

On Monday the engine and caboose were again placed at our disposal. Mr. Holland, Mr. Smith and Mr. Nicholson did not go with us; practically all of the Indians who went Saturday went with us and also John Warrenton, Alexander Warrenton, James Boyd and others. Mitchell Waukaw was not with us, but his son was. This trip was made for the especial purpose of showing me waste observed late Sunday afternoon during the hour when I was not with the main party. Much was made of the loss in a heavy fill on a sleigh road in the NW/NE of Section 6-29-15. This area was logged from Camp 12A in 1910-11 under John Peterson, then camp foreman.

The greater portion of logs in this fill were said to be large white pine of good quality. When brought there I at once recognized that nearly all of the logs were extremely punky, and insisted upon a critical inspection of every one of them. We went over them one by one and agreed whether they were worth taking to the mill or not. Objection was made by Mr. Tyrrell as to the losing of time. However, he remained and examined the logs with me and the Indians, particularly with James Boyd, whom the Indians had evidently taken because he had scaled logs on the mill deck at Neopit. Boyd used the scale rule. When we were through, of the "dozens"

of "excellent" logs used for the fill, only three 16-foot logs had been agreed to be worth taking to the mill. In the second fill a few rods beyond we found only one pine log that we agreed should have been milled and this scaled only 80 feet sound material. A white pine beside this fill and in a bad place to get scaled 440 feet full and Boyd allowed 280 feet. Just beyond a Norway beside the road scaled 100 feet, sound material. A white pine 50 feet from road scaled 210 feet. A broken pine on side hill on left scaled 140 feet and 100 feet. Another top scaled 40 ft. An old fallen tree near road would certainly scale out more than 500 ft. of sound material.

Just beyond, 2 Norway skids which had been sawn into logs had been left. They scaled 60 ft., 60 ft., 70 ft., 80 ft., 260 ft. and 110 ft., 100 ft., 80 ft., 60 ft., 350 feet respectively. We found another skid of 4 logs, 12 inches at top, 16 inches at butt, and then 4 more Norway skids of 5 logs each. We then came to a bridge over a ravine. On top of the high cribs of hemlock logs had been used two Norway stringers, one of these was 57 feet long, the other 84 feet. I believe stiff, sound stringers were necessary on this bridge.

Just beyond this and in an area almost directly west of Camp 12A and about one-half mile from it we found pine logs left in the elevated driveways which had been built for the getting of logs on to the skids. We scaled pine logs in the 1st drive as follows: 240, 300, 80, 330, 160, 100, 100, 240, and 60, that is, 9 logs with total scale of 1,530 feet, and three Norway scaling 60, 40 and 20, or a total of 120 feet. In another skid driveway we scaled as follows: white pine 210, 40—250, and Norway 60, 100, 70, 120, 180, 210, 180, 140—1,060 feet. Beyond this point there were left in a ravine white pine 100, 70, 40, 70, 60—340 feet, and Norway 180, 40, 180—400 feet. We noted one other pine containing 210 feet. These logs were in a very rough rocky glacier morain, but I believe the leaving of them absolutely inexcusable. On our way into this cutting from Camp 18 I noted 12 hemlock and 2 pine skids left, the latter were not put in by Peterson, but were the remains of old Indian logging and were 70 feet long.

Both in going to this pine and returning we passed through Paul Tebeau's celebrated cedar cutting. Hundreds of cedar logs were left here. I understand that Tebeau was given a contract to cut out the cedar, that he cut these logs in 1911-12 and got none of them out, that he then asked for another contract in 1912-13 and that the management would not permit him to go in again. I understand that the operation had furnished his camp with all tools and supplies in order to give him an opportunity. He failed to get the cedar which he cut that winter out to the railroad grade. The next year the best interests of the operation were thought to demand the pulling up of the steel on the nearest track, the cedar was left and the management would back Tebeau no longer. If these be the facts, and I have heard no one dispute them, whatever loss the Menominee Indians have suffered has been chiefly due to the default of one of the tribe, Paul Tebeau.

I believe no serious loss was suffered as to stumpage. The cedar was of only fair quality. A comparatively small proportion of it would have gone as poles if it had been cut green. It was in the burned district of 1910. The Northwestern Cedarmen's Association Rules will not admit burned timber for cedar poles and ties. All of Tebeau's cuttings were into logs which would be used for shingles. I find from the annual report of Neopit

operation for the year ending September 30, 1912, that every thousand feet of shingles manufactured, cost, including stumpage $2.45 per M, that the shingles sold during the same period averaged only $1.71 per M. This shows a loss of substantially $.75 per M. Thus it is clear that whatever criticism is given the management on this Tebeau cedar proposition should be for letting Mr. Tebeau undertake to cut any cedar, rather than for failing to permit him to cut more. Until shingles manufactured from this material can be sold at a profit the best interests of the Menominee Indians demand that the dead cedar in the SE/SE of Section 31 and SW/SW of Section 32-30-15 and the NE/NE of Section 6 and NW/NW of Section 5-29-15 be left standing.

I have recited at great length the details of this three day examination. I fully realize that the reading of so long a report is even more exhausting than its preparation, but the allegations of mismanagement at Neopit have been so persistently and vigorously urged that I have felt that it was best, while my original field notes were available and my memory of details clear, to set down in very complete form the facts as they were represented and as they were actually found. I have made frequent reference to Mr. D. F. Tyrrell.

As I understand it, Mr. Tyrrell was in no sense authorized to act for the Menominee Indians, either as a tribe or as individuals. He manifested deep interest in their affairs and told me the services which he had tried to render had all been gratuitous. He is an earnest, energetic man. In the three days that I was with him in the woods I became convinced that his theoretical and practical knowledge of lumbering was quite limited and the standards which he had applied for arriving at a determination of gains and losses in the lumbering business were not sound.

For instance, he felt a great loss had been suffered when he found burned cedar and hemlock left standing or used for railroad fills. I have shown above that there was a loss suffered on every thousand feet of cedar brought to the mill. Let us discuss hemlock. I find from the Neopit records that the average cost of manufacturing all kinds of lumber at Neopit from July 1, 1910, to September 30, 1911, was $10.53 without stumpage charge. The average price received for hemlock during the period July 1 to December 31, 1910, was only $11.19. Thus in the fall of 1910 when the Evergreen fire burned millions of feet of hemlock, there was no expectancy of receiving for stumpage and profit more than $.66 per M, even on green hemlock.

However, during that period 8,000,000 feet of hemlock were cut in the face of these conditions. During the year October 1, 1911, to September 30, 1912, the Menominee Mills cut 22,000,000 feet of hemlock. The average price received for hemlock during this period was only $11.28 per M. If we subtract from this $9.72, the average cost of manufacturing all species during that period we have left only $1.56 for stumpage and profit. Clearly no great loss was suffered through the leaving of burned hemlock in the woods. I know that other manufacturers of hemlock in Wisconsin claimed during that period that they could not afford to pay more than $1.00 per M for hemlock stumpage.

I should speak of two more matters brought to my attention on these three days. We found a second squared pine timber left in the woods. This was south of Camp 14. It had been sawn into logs and skidded. Mr. Crowell told me that he examined it before skidding and found one end

marked U. S. with a hammer. This indicated that it had been scaled and paid for by Mr. Kemnitz. We found a watering trough at Camp 17 dug out from a pine log. Mr. Peterson told me it was made at Camp 12 and had now been in use three years. A trough could have been made more cheaply from plank, but the loss has been greatly exaggerated.

On Monday evening I was asked if I would go up near Askenet the next day to examine the Kemnitz cuttings in Rock Elm. I had reports which must be done and told the Indians to send two or three of their number up there to measure some logs and waste, to measure the area covered and to report to me what they found.

Simon Beauprey and Joseph Longley went. They reported in the late afternoon that they visited Section 5, T 29 N., R 14 E., that they scaled a waste of 6,270 feet of timber fit for saw timber on an area which they estimated to be 10 acres. They had not paced or measured the area. This waste was found in 19 elm tops, 2 whole elms fallen and left, and one elm which had been notched and left and later felled by the wind. They also found 2 maples, 1 birch and 1 basswood fallen and left. This cutting was done in the spring of 1913 when Simon Beauprey was the forest guard in charge of the scaling of rock elm.

Mr. Nicholson, Mr. Crowell, and Mr. Kemnitz tell me that every elm tree which Kemnitz fells he is expected to pay for. If he hews an elm and does not take it he pays for it at the rate which he pays for square timber, which he actually ships, and if by mistake he fells an elm which proves to be so defective that he does not hew he pays the regular stumpage rate of $5.00 at which the Neopit operation charges itself. He also pays the regular stumpage rates on every tree of any other species that he fells or breaks down.

If anything has been lost to the Indians through lack of proper scaling the fault lies primarily with Simon Beauprey, a Menominee Indian, whom the management entrusted with the duty of scaling all of this timber.

I have confined my remarks to the woods' end of this proposition as much as possible. I am entirely satisfied that the Menominee Indians have received far higher stumpage rates through the sale of their rock elm and white pine for hewn timbers than they possibly could have received if the trees had been cut into logs and brought to the Mill or had been cut into logs and sold for saw mill purposes at private sale, auction or scaled bids, to mills outside the reservation. I have gone into this matter very thoroughly with the employees here and especially with Mr. Crowell. I have checked over carefully with him the comparative figures which he has prepared. There is now on file at the Neopit office sufficient data and comparisons to explode completely every allegation that has been made to the effect that the white pine and rock elm which have been sold as squared timbers at Neopit could have been more profitably utilized in another form.

I have already expressed in plain terms my opinion of the amount of pine timber which has been left in the woods at Neopit in the last three years, especially in 1910-11, and of the loose and unbusiness like manner in which pine timbers have been cut in the past year with the result that many logs of the highest value have been exposed to worms during the summer.

Respectfully,

J. P. KINNEY,
*Supervisor of Forests.*

Mr. J. P. Kinney's affidavit:

J. P. Kinney, Supervisor of Forests in the United States Indian Service, being duly sworn, deposes and says that under dates of December 5, 1913, December 10, 1913, and December 16, 1913, he addressed letters to Mr. E. E. Ayer, of Chicago, Illinois, a member of the Board of Indian Commissioners, regarding conditions at the Neopit lumbering operation on the Menominee Indian Reservation, Wisconsin, and he further says that each and every statement of fact in the said letters was the truth to the best of his knowledge and belief and that each of the expressions of opinion therein stated represented his honest and true conviction.

J. P. KINNEY.

DISTRICT OF COLUMBIA, } *ss:*
*City of Washington.* }

Subscribed and sworn to before me at Washington, D. C., this thirteenth day of January, 1914.

HELEN V. BRIDGE,
[SEAL] *Notary Public.*
My commission expires Aug. 9, 1915.

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## EXHIBIT 12.

Statement of Earnest J. Brigham, Superintendent of Logging, Menominee Indian Reservation, Neopit, Wisconsin, dated December 16, 1913.

From the foregoing statement of pick-up scale the following statement shows this year's intended disposition:

—SE. SE. Sec. 8, T. 29 N., R. 14 E.—

2,540 ft. white pine left from waney board cuttings now decked in rollways ready for hauling from Camp 15's present operation.

—SE. NE. Sec. 17, T. 29 N., R. 14 E.—

9,420 ft. white pine to which roads are now cut and skidways built ready for skidding during present year's operation as soon as the soft ground on which they lie is sufficiently frozen to allow team work.

—NE. NE. Sec. 17, T. 29 N., R. 14 E.—

4,070 ft. white pine ready for skidding as above.

—NW. NW. Sec. 16, T. 29 N., R. 14 E.—

3,910 ft. white pine on so-called State School land at present in litigation, which we are forbidden to move.

—NE. SW. Sec. 10, T. 29 N., R. 14 E.—

9,910 ft. white pine in present year's Camp 15 operation to which roads are built, skidways and landing left from last year's operation for that purpose.

3,480 ft. hemlock scaled and planned to take out as above, Camp 15 operations.

—SE. SW. Sec. 10, T. 29 N., R. 14 E.—

23,150 ft. white pine adjoining above description and to be logged with it.

—SW. SE. Sec. 10, T. 29 N., R. 14 E.—

4,880 ft. white pine adjoining above description and to be logged with it.

—NE. NE. Sec. 6, T. 29 N., R. 15 E.—

2,180 ft. white pine and Norway left in 1911 and 1912 operation not accessible to this year's work.

—NW. NE. Sec. 6, T. 29 N., R. 15 E.—

7,590 ft. fire killed white pine and Norway skids, logs, bridging, etc., left 1911-12. Not accessible this year's work.

—SW. NE. Sec. 31, T. 30 N., R. 15 E.—

6,870 ft. fire killed white pine and Norway skids, bridging and logs left season 1911-12. Not accessible in this year's operation.

—NW. NE. Sec. 31, T. 30 N., R. 15 E.—

770 ft. pine logs left in swamp near Camp 11, season 1911-12. May possibly be skidded out this winter, but there is no frost in the swamp sufficient to hold team this date, Dec. 16, 1913, making it problematical.

—SW. SE. Sec. 30, T. 30 N., R. 15 E.—

1,710 ft. pine and tamarack, same condition as above.

—NE. NW. Sec. 31, T. 30 N., R. 15 E.—

3,730 ft. pine and
3,220 ft. hemlock, same condition as above.

—NE¼ Sec. 36, T. 30 N., R. 14 E.—

| | | |
|---|---|---|
| 2,960 | | ft. white pine decked in Camp 17 rollways ready for present season's hauling. |
| 1,110 | | ft. pine to be drayed into above job. |
| | 660 | ft. pine not accessible to this season's logging. |
| | 2,610 | ft. hemlock not accessible to present season's logging. |
| | 33,250 | ft. not accessible or probability of logging at least doubtful. |
| 61,520 | | ft. accessible to present year's operation. |

Very respectfully,

(Signed) Ernest J. Brigham,
*Supt. of Logging.*

Dec. 16, 1913.

I hereby certify that the foregoing descriptions, log scale, memoranda and data as shown hereon are true and correct to the best of my knowledge and belief.

That I believe that I have covered all the ground, viewed and scaled all merchantable logs under discussion, and to which attention was called November 29, 30 and December 1, 1913, during investigation upon complaint of Menominee Indian Committee, and all such other logs found by me, not seen or mentioned by that committee in the several localities visited.

That such scale was well and truly made by means of a Scribner Decimal C Log Rule and Calipers used where rule could not be applied.

That I did not include cedar logs and poles cut by Paul Tebeau at and about the corner of Sections 31 32 T. 30 N. R. 15 E.

6 5 T. 29 N. R. 15 E. lying in swamp containing from 2,000 to 4,000 pieces.

That I did not include certain hemlock logs obviously left for present season's logging on the southwest ¼ of Section 10, T. 29 N., R. 14 E., which I estimate to be in the neighborhood of 20,000 feet.

That the total scale of logs herewith included as shown in the foregoing report equals 94,770 feet log scale.

(Signed) Ernest J. Brigham,
*Superintendent of Logging.*
(Signed) Lincoln Crowell,
*Deputy Supervisor of Forests.*

State of Wisconsin,
*County of Shawano.*

On this 16th day of December, A. D. 1913, personally appeared before me, a Notary Public, Ernest J. Brigham and Lincoln Crowell, who being duly sworn, acknowledged that they executed the foregoing instrument to be their free act and deed.

H. C. D. Ashford,
*Notary Public.*

[seal]
My commission expires June 20, 1915.

## EXHIBIT 12A.

Report of Mr. Edward E. Ayer's interview with Mr. Earnest J. Brigham, Superintendent of Logging, and Mr. Lincoln Crowell, Deputy Supervisor of Forests, at Menominee Indian Reservation, Neopit, Wisconsin, December 16, 1913.

Mr. Ayer:

Q. You were with Mr. Holland and Mr. Smith and Mr. Kinney two days that they were in the woods, and with Mr. Kinney the one following day when Mr. Tyrrell was pointing out the timber to substantiate his letter and his charges about logging in these woods?

Mr. Brigham:

A. I was.

Mr. Ayer:

Q. Do you think Mr. Tyrrell had any practical knowledge of conditions in logging or any knowledge of the qualities of timbers during the days that you were with him?

Mr. Brigham:

A. I would say he had some knowledge, but the major part of his questions and statements would indicate to me that he is not a practical logger and that his estimates on the conditions of timber left on the ground and standing burned timber were very erroneous.

Mr. Ayer:

Q. Mr. Crowell, you were of the same party: is that your opinion also?

Mr. Crowell:

A. Yes, sir.

Mr. Ayer:

Q. Did he strike you as being a man who wanted to be entirely fair and get at the true state of affairs, or not?

Mr. Brigham:

A. He did not.

Mr. Ayer:

Q. The same with you, Mr. Crowell?

Mr. Crowell:

A. Yes, sir.

Mr. Ayer:

Q. Did it seem to you that he felt bound to make out a case, bound to substantiate his charges, whether they would be right or wrong upon investigation?

Mr. Brigham:

A. It certainly did.

Mr. Ayer:

Q. Mr. Crowell?

Mr. Crowell:
A. Yes, sir. It would seem he talked more for the effect that his speech would have on the Indians accompanying us than any effect on us.

Mr. Ayer:
Q. Is that your opinion, too, Br. Brigham?

Mr. Brigham:
A. Yes, sir.

Mr. Ayer:
Q. The territory over which these logs were scaled covered all the territory visited by you while accompanied by Mr. Tyrrell and the Indians?

Mr. Brigham:
A. It did.

Mr. Ayer:
Q. How much more?

Mr. Brigham:
A. Twenty-five per cent more. At least 25% more.

Mr. Ayer:
Q. And that is your judgment, Mr. Crowell?

Mr. Crowell:
A. Yes, sir.

Mr. Ayer:
Q. I see that in your summary you say that sixty-one thousand feet out of the ninety-four thousand feet is accessible to present year's operation. About what percentage of the thirty-three thousand feet can there be got to the mill with a reasonable profit?
Mr. Brigham:
A. About thirty per cent.
Mr. Ayer:
Q. That is your judgment, Mr. Crowell?
Mr. Brigham:
A. Yes, sir.

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## EXHIBIT 13.

Report of Mr. Edward E. Ayer's interview with Mr. Peter Lookaround, storekeeper, at Menominee Indian Reservation, Neopit, Wisconsin, November 29th, 1913.

Mr. Lookaround is a graduate of Haskell University, and one of the two leading merchants of Neopit.

Mr. Ayer:
Q. Are you satisfied with the conditions around here?

Lookaround:

A. Yes, sir.

Q. You think these are honest people who have charge here and that they are making an honest effort to do the best they possibly can?

A. Yes, under the conditions. I think Mr. Nicholson is about the best we ever had.

Q. You think this man, Mr. Nicholson, does what he can to employ all the Indians he can?

A. Yes, sir.

Q. Have you had any experience in other lumber yards or lumber schemes besides this one here?

A. Well I used to work a little in the woods.

Q. But not in the manufacturing of lumber?

A. No.

Q. Do you think that they are succeeding in doing the logging in the woods properly?

A. I think they are: of course it costs more money now.

Q. Of course, but that will be best in the long run, and aren't you in harmony with this method of doing it? You know if it succeeds it will be a great benefit to the Indians in the long run?

A. In the long run, yes.

Mr. Ayer:

Q. There seems to be a body of Indians in your reservation that are very much dissatisfied with the way things are being done.

Lookaround:

A. Well, these are always the same ones that are dissatisfied—no matter who we had for our Agent, and there seems to be a half-breed at the head of this who is making complaints and he is telling them, you know, that they ought to have their money and that these people here of the Forest Department are squandering the money, and so the people are beginning to think the same way.

Q. But *You* are satisfied that the Department is doing the best it can?

A. Yes.

Q. You are satisfied that since Mr. Nicholson came here there has been a large improvement in the conditions of the mill and the prosperity of the tribe?

Lookaround:

A. Yes. A man here must have executive ability, he must settle family matters and deal with the liquor question, and I think Mr. Nicholson has done well.

Mr. Ayer:

Q. And you, and the class of Indians that you represent, feel that the Agency has been well managed, as well as the mill?

A. Yes

Q. Now, then, what percentage of the 1,700 Indians on this reservation feel as you do?

A. I could not say.

Q. Well, is this feeling that has been worked up pretty widespread?

A. Yes; of course when they feel they can't get any money they are all

against the Agent; they feel that if they can't get any money it is being spent here. You can't tell them that this mill is making money because they won't believe it They will say, "We don't get anything."

Q. Is there a special committee organized here of five or six men who are trying to oppose the running of the mill?

A. I think so.

Q. Do you think this "opposition" would be glad to have the mill closed up and the logs sold?

A. Yes.

Q. Aren't you perfectly satisfied that if these logs were put on the market as they used to be you would fall into the same difficulties in getting low prices that you did before?

A. In the old way the Indians used to get work for only 3 or 4 months in the winter, but now if the Indian wants to work he can go to work any time the whole year round. You will find records in the office that a few Indians have worked every month in the year.

Mr. Ayer:

Q. What is it that the Indians are trying to do by employing attorneys. What is the necessity?

Lookaround:

A. Well it's this same thing—about getting their money.

Q. Are they trying to force the Government to pay back some money or to get the money out of the Government's hands? Does a large proportion of the Indians think the Government ought to pay back the money lost in the "down" lumber?

A. No.

Mr. Ayer:

Q. But the "opposition" does want the Government to surrender the million or two and divide it up amongst the members of the tribe?

Lookaround:

A. Yes, and these "blow downs" are telling the Indians the Government held back some of the money and they are going around and saying to these Indians, "We want to employ an attorney for the benefit of both of us," telling the Indians they should have the same attorney as the white man.

Mr. Ayer:

Q. Do many white men come on the place and agitate them and find fault with the mill? Are the white people around the reservation and those people all the time trying to make trouble and do away with the mill?

A. Yes.

Q. What is it your impression that the effect would be if they succeeded in stopping the mill and having a change in administration? Would it be injurious?

A. I think it would, because we have so much money invested.

Q. Do you think that you can preserve the timber for the next fifty years that will come off this reservation better by having a mill than without one?

A. Yes, sir.

## EXHIBIT 13A.

Questions answered by Mr. Peter Lookaround. Submitted, and answered, in writing, and sent to Mr. Ayer at Chicago.

Q. What promises or what talk has been spread amongst the Indians by Mr. Tyrrell and those associated with him as to what they could do for the Indian?

A. There would be a change of superintendent in Neopit, Wis.

Q. Do you understand that the contractors from whom the Government deducted certain moneys on "Blown Down" should have their claims paid?

A. Yes.

Q. Do they say the Government is to pay these or is it to be paid out of tribal funds?

A. Do not know.

Q. Do you understand from talk generally circulated by them that a million dollars of Indian money has been wasted?

A. Over a million dollars.

Q. Do they claim to be able to secure payment to the tribe of certain claims known as the Stockbridge two-mile strip claim?

A. Do not know.

Q. Do they claim to be able to secure to the tribe Section 16 and swamp lands now claimed by State and which question is now before Supreme Court?

A. No.

Q. Do they claim to be able to secure annuity payments to the tribe?

A. Yes. $50.00 a head; if not, $30.00 a head.

Q. What promises in general do you gather have been made by Mr. Tyrrell or any of his associates that tend to curry favor with the Indian, either for or against anyone, or on behalf of any one?

A. Do not know.

Q. What do you gather is meant by various statements or gossip circulated that money is being wasted on the Neopit operation?

A. Waste of timber mostly. Too much cull lumber. Too many high-salaried employees.

(Signed) PETER LOOKAROUND.

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## EXHIBIT 14.

Report of Mr. Edward E. Ayer's interview with Mr. C. A. Tourtillott, storekeeper, at Menominee Indian Reservation, Neopit, Wisconsin, November 29th, 1913.

Mr. Ayer:

Q. Are you a full-blooded Indian?

Turtelet:

A. No.

Q. You have known this agent, Mr. Nicholson, since he has been here?

A. Yes, sir.

Q. Do you think he has made an effort to be fair and square in his dealings with the Indians?

A. Yes, as far as I know, he has.

Q. Now there seems to be a feeling amongst some of the tribe that the mill ought to be abolished. They don't think it is making money—although the reports show it has been making money. Do you think it would be better to sell your logs than it would to saw them?

A. Well, of course we were laying up money right along then.

Q. Do you think these people are using economy in sawing the timber and disposing of it?

A. Well, I think in disposing of it they are, but of course there is lots of timber that has been sawed here that doesn't amount to much. There have been miscuts and a lot of it spoiled by the saw.

Mr. Ayer:

Q. Are you familiar with the ordinary percentage of miscuts in the mills in Wisconsin, or only this one?

Turtelet:

A. Yes, only this one.

Q. Do you think that for the last three years the logs have been properly taken care of?

A. I haven't been in the woods and don't know.

Q. There seem to be some Indians here who are very much dissatisfied with the administration as carried on here; they are against the mill and against the Agent and his work. What percentage of this tribe feel that way, do you think, about him?

A. I don't think the percentage is very big.

Q. About 5 per cent, say?

A. I don't think that much.

Q. Is that percentage who are usually against the agent here the industrious hard-working Indians?

A. No, they are not.

Q. Are they amongst the class who try to get an easy living and are not usually found on the pay roll of the mill?

A. Not very much. (Meaning they are not found very much on the pay roll of the mill.)

Mr. Ayer:

Q. Do you think that these men who are finding fault and are not the working men of the tribe could manage this affair better than the agency is managing it?

Turtelet:

A. No, I don't think so.

Q. And you would not be satisfied to have the management of the mill in the tribe?

A. This man who is here seems to be a pretty good, straight sort of a fellow, and I think he could do as well as anybody else would.

Q. You think this man employs all the Indians that he has a place for?

A. Yes, I think any Indian that wants work he can find a place for.

## EXHIBIT 15.

Report of Mr. Edward E. Ayer's interview with Mr. Joe Gristo, policeman, at Menominee Indian Reservation, Neopit, Wisconsin, November 29th, 1913.

Mr. Ayer:

Q. You are a policeman here, are you not?

Gristo:

A. Yes, sir.

Q. Are you a Menominee Indian?

A. Yes.

Q. How long have you been here, Mr. Gristo?

A. I have been here, I think it is eight years.

Q. Are you familiar with the lumber yards and the logging, and everything pertaining to the carrying on of the Menominee Indian Reservation?

A. No.

Q. Are you familiar with the lumber yards down in Oconto, or anywhere else?

A. Well, I was raised in Marinette, but of course I never worked in the mills.

Q. Then you are not familiar with the way the lumber yards are kept at Marinette and Menominee?

A. Yes, I have been in there.

Q. Well, how do you think this compares with them?

A. Well, I have never seen anything lying around in other yards. It is generally picked up. Of course here there is a good deal lying around, as anyone can see for himself. Of course, though, they clean it up every once in a while.

Q. Do they clean it up say, once or twice a year?

A. Oh yes; maybe once a month for all I know.

Mr. Ayer:

Q. Do you get your wood from the plant?

Gristo:

A. Yes.

Q. What condition is the wood in—slabs, sawed up 16 inches long and not split?

A. Yes.

Q. What do they charge you for that, delivered at your home?

A. $2.00 a load—about two cords.

Q. That makes about a dollar a cord. How much would it cost you to go around the yard and get the broken pieces and get them to your house and have it sawed up?

A. Well, I don't think I could get it cheaper. It would take a long time to pick it up and I would have to get a team.

Q. Do you think any of the Indians who have families can always get it at $1.00 a cord, delivered?

A. Yes.

Mr. Ayer:

Q. I notice there are some Indians who are dissatisfied with the working of the plant and the whole conditions?

Gristo:

A. Well, the way I understand it, they are.

Q. Are these men working for the company?

A. They had been working right along—but I guess they lost their jobs.

Q. Do you know for what reason?

A. Well, not exactly. Once in a while some of them come and tell me the trouble, but I never took any trouble to keep it in my head.

Q. Do you know how many Menominees are working in the woods, etc.?

A. No, sir.

Q. Isn't it the usual thing that the Indians are usually given a job if they are good workers?

A. Well—yes.

Q. What percentage of the tribe do you think is dissatisfied?

A. Well, as far as I know, most of them are not satisfied and only a few are.

Q. Well, what do they want instead of what they have got?

A. Well, I don't know what they want.

Q. Have they any better scheme?

A. They claim they have.

Q. Are they the hard-working men that devote their time to work who think they can do better, or are they the men outside, who don't work? Do they want to do away with the mill?

A. No; I think the idea is that the mill ought to be making money, instead of running behind every year.

Mr. Ayer:

Q. But, is it a fact that they are running behind? Where do they get that idea?

Gristo:

A. Well, I don't know; those are the reports I hear.

Q. Well, do you know whether these reports are true or not?

A. I couldn't say.

Q. Who has been telling these men that the mill has been running behind?

A. I couldn't tell.

Q. Well, don't they know they can come to the agent and find out exactly how the mill is run? Has it not always been that any Indian can come in and examine the books any time?

A. Yes; although I don't know whether they ever did or not.

Mr. Ayer:

Q. Well, then, the only reason they are dissatisfied is that they think this mill is losing money every year.

Gristo:

A. Yes.

Q. Well, do you think they would be satisfied if they could be informed that this mill is making money every year?

A. I don't know how they would feel about that.

Q. Have any of their attorneys, or the outside people, told them that the mill is losing money?

A. I couldn't say, only every once in a while they get wind that the mill is losing money.

Q. Don't you think it would be the proper thing to do to have your men go to the office and examine the books?

A. Why, sure.

Q. And don't you think that if the men knew that the last two years the mill had added to the funds at Washington $444,000, they would have been more satisfied with the management?

A. Why, sure, if they had known it.

Q. You are convinced that if the Indians knew the mill was making money they would be satisfied?

A. Yes, sir.

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## EXHIBIT 16.

Report of Mr. Edward E. Ayer's interview with Mr. Charles W. Chickeney, at Menominee Indian Reservation, Neopit, Wisconsin, November 29, 1913.

Mr. Ayer:

Q. You are a Menominee Indian, of course?

Chickeney:

A. Yes, sir.

Q. Mr. Chickeney, how long have you worked here for the plant?

A. Two years in June.

Q. What is your position?

A. I am what they call "retail salesman."

Q. You are familiar with the way the lumber is piled and kept in the yard?

A. Yes, sir.

Q. Are you familiar with the way it is piled in other lumber yards?

A. No; I am not.

Q. There seem to be several men here who are much opposed to this whole scheme. Are those men usually the laboring, hard working men for the mill, or are they the people who do not work much?

A. Well, I know of two who do not work at all, who have been kicking.

Q. Well, how do they get their living?

A. I am sorry to say you will have to tell me before I can tell you.

Q. Is it the general impression here that the mill is making money or losing money?

A. That I could not tell you.

Q. Well, have you heard that the plant is losing money?

A. Yes.

Q. Have they ever made any effort to come to the office to find out if they had been losing money?

A. Not that I know of.

Q. You are satisfied that they could if they wanted to?

A. Well, whenever I have come to Nicholson with reference to anything I have always got what I wanted.

Q. How many men do you think are opposed to this saw mill and the other things?

A. That I could not tell.

Mr. Ayer:

Q. Well, there are not a great many are there; would it be 5% or perhaps 10%?

Chickeney:

A. Yes; I think probably 10%.

Mr. Ayer:

Q. Don't you think if those men would take the opportunity of coming and getting the information at this mill, and it was demonstrated that this mill was making money, that they would feel different about it?

Chickeney:

A. I think they would; yes.

Q. Is the yard in good condition as far as cleanliness is concerned?

A. Well, as far as I know, it is. Of course, business hasn't been very good and everything is piled up; there are not many of what they call "outs."

Q. You are not familiar with the logging in the woods, are you?

A. No, I don't know what is going on there.

Q. Don't you think it would be a good plan, in the interests of your tribe, for two or three of you who are satisfied and connected with the plant, to get two or three of the leading men in what we may call the "opposition" to come with you, say, the two merchants and you, and invite two or three men, to come up here and get an exact statement of how much money this mill has made or lost in the last three years?

A. Why, yes; indeed, I do.

Mr. Ayer:

Q. Well, now, these books are kept, as I understand it, by Government men under Government employ. Every dollar of money that comes in is credited to the Government and every dollar paid out is charged to the Government. Now you can readily find out in this office whether you take in more money during the year than you expend, and if you can find that in the three years they have taken in more money than they have expended, then you know exactly whether you are making money or not, and I would suggest that you do this. As a business man, I don't believe that any man would want to say that these books are fraudulently kept. So I think it would be a good scheme to get up a committee of that kind and come and find out, so you can tell your tribe exactly how things are. And I shall suggest that at the end of each year there be a little slip printed and given to each member of this tribe, telling them exactly what the outcome of this business has been, whether it is a loss or a gain.

Chickeney:

I think the reason the tribe are dissatisfied is that the annuity is decreasing every year.

Mr. Ayer:

That I don't know anything about. Only I do know, from the books of this office, that there have been several hundred thousand dollars added to

your credit in Washington in the last three years, so that it isn't true that this mill has decreased your annuity.

Chickeney:

Well, that is the impression of the tribe, that this mill is to blame for it.

Mr. Ayer:

Q. Now, you know that if you sell your logs you have only three months' work a year and you are up against the great lumber companies here. Some of them have been robbing you from time immemorial. Now, do you want to go back to that?

Chickeney:

A. Why, no.

Q. How many men of these agitators are there in the tribe who don't work, who still live and have money; you said you knew of two of this bunch here?

A. They are the only two I know of.

Q. Have they any income from property?

A. Not to my knowledge

Q. They have their annuity—$60.00 a year—but they can't live on that, can they? Have they families?

A. Why, one has.

Q. And still he never works?

A. I don't know how it is, but he never works any.

Mr. Ayer:

I am going to recommend that one or more young men be put through the College of Agriculture at Madison by the tribe, who will come back and be able to teach you how to raise the best cattle, pigs, horses, everything the best type instead of the poorest.

Chickeney:

Well, Mr. Ayer, I want to say this. No matter *what* they do at the mills here or in the woods, no matter how the funds are, we *must* have something to eat, something to put on our back, and it depends whether we go back to degradation or rise to the position of citizenship on our knowledge and adaptability for agriculture, and I am thoroughly in accord with your recommendation in regard to starting us right.

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## EXHIBIT 17.

Report of Mr. Edward E. Ayer's interview with Mr. Frank S. Gauthier, at Menominee Indian Reservation, Neopit, Wisconsin, November 29, 1913. Mr. Gauthier was accompanied by a party of six Indians.

Mr. Gauthier presented for Mr. Ayer's perusal, a copy of a report dated March 11, 1913, that he had presented to the Secretary of the Interior at Washington, on March 13th, 1913. Mr. Gauthier had gone to Washington at the request of his tribe, as their representative.

Mr. Ayer:

Q. Do you still feel just the same as you did when this was written?

Gauthier:

A. Yes, sir; if anything, worse.

Q. Have you been in the employ of the mill company here?

A. Yes; up to 1911, and then I was transferred over to headquarters.

Q. Are you still there?

A. No, sir; I resigned there in September. I decided to make a fight and so I had to resign in order to make a fight.

Q. Well, now, what is the principal thing you wanted to make a fight on?

A. On our superintendent, Mr. Nicholson. He is incompetent; and not only the superintendent, but his assistant, Mr. Marble, also.

Mr. Ayer then outlined to Mr. Gauthier and his party the recommendations it was his intention to make to the Government, about having tribal cattle, about the allotment of farms and the division of the tribal funds to get them started, about sending a few bright young Indians to Madison Agricultural College to learn scientific farming, about having the entire reservation surveyed by townships, about having matters presented by the Indians attended to at Washington without delay.

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## EXHIBIT 18.

Report of Mr. Edward E. Ayer's interview with Mr. John Kakatosh, at Menominee Indian Reservation, Neopit, Wisconsin, November 30, 1913.

Mr. Ayer:

Q. Mr. Kakatosh, would you rather have the mill stopped and log the balance of this reservation by selling the logs? How do you feel about that?

Kakatosh:

A. Well, now, I have worked around here quite a little, but it is pretty hard for me to know all that is going on here. Do you want to know what the Menominees want?

Q. Why, yes; I want to know about everything that is going on here, what's going on at the mill and what the Menominees wants. I want to see if we cannot do better and conserve your property. You don't work in the mill do you?

A. No; I run camp in the woods for the Government. I run Camp 17.

Q. Do you feel that these logs are being cut properly and handled economically and as well as it is possible to do it?

A. Well, we are trying to get the logs out as cheap as we can.

Q. Why do the Indians want to have an attorney on this reservation? What do they want to do that the Government will not do?

A. Well, I have heard a lot of fellows saying that the mill is not handled right, that there is a lot of miscuts.

Q. Do they think *any* mill is cutting where there are not miscuts?

A. I couldn't say. I have been brought up around the mills, but I couldn't say how many miscuts there were.

Q. You are a farmer, are you not?

A. No; but I am going to start a little farm next year.

Q. That's very fine. By the way, the Indians are doing better work these days, aren't they?

A. Why, yes; since they got the mill in they are getting more down to working. Now my two boys are working nearly the whole year steady and there are a lot of boys who work that way.

Mr. Ayer:

Q. Do you know anything about whether this mill is paying or not; have you ever been told?

Kakatosh:

A. I heard a lot of them saying that the mill did not pay.

Q. Where did they get their authority?

A. Well, I don't know; I just heard a lot of them say so.

Here Mr. Ayer explained that the mills had made a profit of $444,000 during the past two years and that the Indians could get the facts in regard to the profits of the mill at any time, either from the Agent, or from Washington.

Mr. Kakatosh:

I heard Mr. Nicholson say once that the boys could get the facts in Washington about what money the mill was making.

Mr. Ayer:

Mr. Ayer, continuing, explained that in the past two years $444,000 had been added to the tribal funds at Washington out of the profits of the mill; that the statements to this effect were absolutely reliable and that any statement that the mill was losing money was untrue. "The books of the reservation," he said, "are audited by Washington and are absolutely correct, and any Indian can come here and find out just what money the mill is making or losing, and if they then are not satisfied they can get the information from Washington.

Mr. Ayer:

Q. Well now, have you any suggestions to make as to how the mill could be run better?

Mr. Kakatosh:

A. No, I have not. I have worked in a good many mills and they are worked just the same, as far as I can see, as this mill here.

Q. Don't you think this entire reservation ought to be run out and examined and a report made on every township, of the character of the soil and what it will grow best, and get this information so as to know what you have here?

A. Why yes; some parts here are good land and some bad land.

Kakatosh:

Well, of course I have heard a lot of talk, but I have been here since this plant started up and have all kinds of work,—shovelling, driving piles, working on the river,—and I have had all the work I want.

## EXHIBIT 19.

Report of Mr. Edward E. Ayer's interview with Mr. Mose Tucker, at Menominee Indian Reservation, Neopit, Wisconsin, November 29, 1913.

Mr. Ayer:

Q. Have you been working for the mill?

Tucker:

A. No; I could not support my family in that way.

Q. You have a family?

A. Yes, sir.

Q. Have you a farm?

A. Yes; I have 100 acres in fence and 63 under cultivation, and I bought another place at Keshena of 74 acres.

Q. What do you raise?

A. Corn, potatoes, oats, hay, beans.

Q. Do they all grow successfully in this country,—good crops?

A. Sure.

Q. Then you are making a comfortable living for your family on these farms?

A. Yes.

Q. Can you tell me something about the farming on this reservation?

A. Well, I believe that this is very good farm land here.

Q. Are you satisfied that the future of the Indians will be better the more they take to farming?

A. Yes.

Q. Have you good stock?

A. Well, I have 3 Guernsey cows and one bull and three sows.

Q. Do you think that if the Government made an effort to help, out of the funds, that you could get some of the younger men into farming?

A. Yes; from my knowledge I believe that. I know my people are very easily led, and if you lead them in the right way they will go that way, and if you lead them in the wrong way they will go *that* way.

Mr. Ayer here advised Mr. Tucker that the Indians did not need any lawyers to handle their difficulties, that if they needed anything the Board of Indian Commissioners would do everything in their power to help them; that the Government was their friend and that there was no occasion to spend any money on lawyers.

Tucker:

Mr. Ayer, let me tell you that I am 48 years old, and I have always made an effort to develop myself in every way. Now, whenever we make a complaint to the Department they will come right back to the Agent and the Agent will say, "Those parties are always making complaints," and consequently things get worse and worse.

Mr. Ayer:

Q. Then one of your main complaints against the Government is the great delays that occur in all your requests and correspondence?

Tucker:

A. Yes.

Mr. Ayer brought the interview to a close after explaining that any of the Indians could get any desired information about the accounts of the mills and that there was absolutely no doubt but that the mills were making money and were doing very well.

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## EXHIBIT 20.

Report of Mr. Edward E. Ayer's interview with Mr. Simon Beauprey, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Ayer:

Q. Are you working for the plant?

Beauprey:

A. I was, two years ago, but I got discharged the 1st of July and I haven't done anything since. I was a forest ranger.

Q. Well, does that come under this mill department?

A. Yes, sir.

Q. How much good farm land is there on the reservation, land that isn't too stony or too rough?

A. I should say about four townships, one-third of it. There are three townships on the other side of the Wolf River that isn't good farm land, but it will make good grazing.

Mr. Ayer explained that he intended to make recommendations about allotting farm lands, and about putting tribal cattle on the pasture lands.

Mr. Ayer:

Q. Have you any suggestions to make that you think would improve conditions here? You know, of course, that they have added some $444,000 to your tribal funds at Washington, in the past two years?

Beauprey:

A. No, sir, I don't think of any.

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## EXHIBIT 21.

Report of Mr. Edward E. Ayer's interview with Mr. George T. McCall, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Ayer:

Q. You are working for the Company, Mr. McCall?

Mr. McCall:

A. Yes, sir; I work in the camps.

Q. Mr. McCall, have you cruised this reservation pretty well?

A. Not very much; I have been all through it but I have never made any special effort to find out what there is in it.

Q. They are estimated here at the way from a billion and three-quarters to two billion.

A. I don't think there is that much—you know are destroyed a good part.

Q. Is there hay that could be cut for the cattle over on Wolf River, towards Oconto?

A. Yes, but over on the southwest side of the reservation there is hardly any hay to be cut.

Q. Is this logging work that you are doing satisfactory to you?

A. Yes; I am working in that burnt timber and I am picking up all that "down" stuff.

Q. How long has that been there?

A. It has been burnt three years.

Q. Nothing but the white pine is any good, of course?

A. Well, the hemlock is good, the hard part under the saps.

Q. What will they make?

A. No. 2 and No. 3. When we get 100 logs I realize about 40. We have to cut them all in order to find if they are any good or not.

Q. What do you think it would cost per thousand to log them and get them at the mill?

A. About $7.00 I think.

Q. Is there much white pine there?

A. Yes.

Q. Well, is the white pine any good?

A. Yes; you take this timber that has been laid down for many years, it is good because it is all clear timber, seasoned and all that.

Mr. Ayer:

Q. Don't you think it would be a good business proposition to have the timber on this reservation estimated?

Mr. McCall:

A. I have always thought that would be a good thing.

Mr. Ayer:

Q. You don't think there is two billion—do you think there is a billion and a half?

Mr. McCall:

A. Yes, I think there might be that.

Q. How long do you think before they will be ready again to log that part the foresters are leaving?

A. It takes very long, I think fifty years.

Q. How high are they leaving them?

A. 10 and 12 inches.

Q. How much good farm land is there on this reservation, as far as you know?

A. Well, I believe there is all of about seven townships that is good farming land. Four are particularly good; three not so good, but they could be used.

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## EXHIBIT 22.

Report of Mr. Edward E. Ayer's interview with Mr. Peter Lamotte, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Ayer:

Q. How long have you been here, Mr. Lamotte?

Mr. Lamotte:

A. Three years.

Q. Do you think the mill has been of great benefit to the tribe?

A. Well, I think it is a benefit, but it doesn't make any money.

Q. You mean a benefit in so far as it has furnished more employment?

A. Yes, more employment; but the Indians don't get it. Before this plant was here the Indians had more work—logging.

Q. But they only logged three or four months a year.

A. Yes; but after they would get through they used to work the farms, but now you have to go to work every day and you have nothing to farm with, and if you stop work for a week you are going to starve.

Q. Now, you say the mill doesn't pay?

A. It would pay if it was well taken care of.

Q. But is the mill a good thing—you said it didn't pay?

A. It doesn't seem to be paying.

Q. Have you ever asked to see the statement?

A. Yes.

Q. Well, that indicates that there have been some $444,000 paid into Washington in the last two years, over and above everything.

A. Well, then, I must be mistaken.

Here Mr. Ayer explained in detail how the mill had been progressing, showing by a statement before him just what money they had been making on the reservation each year for some years past. Also explaining that the books were absolutely to be relied upon.

Mr. Ayer:

Q. Do you think we ought to make a recommendation to have a certain part of the funds turned over to individuals to make a farm?

A. That's all right.

Q. What do you think about sending five or six bright young men to the College of Agriculture at Madison to have them learn to be scientific farmers?

A. That's all right, too.

Q. Don't you think these lands all ought to be run out, showing what is on every township in this reservation?

A. That would be another expense to the tribe.

Mr. Ayer here outlined to Mr. Lamotte his plan of recommending to the Government that a portion of the tribal money be used for allotting farms and getting them started.

Also his plan of recommending that say a thousand head of cattle be put on the reservation to eat up the pasture now going to waste, for the Government, if necessary, to cut hay enough to carry the cattle through the winter.

Also of recommending that matters taken up by the tribe be accorded immediate attention.

Mr. Ayer:

Q. What proportion of the tribe is dissatisfied, do you think, with the plant here?

Mr. Lamotte:

A. Quite a few?

Q. 10 per cent?

A. I think more than that. My opinion is this, that the Indian can log as good as the white man, or better. I think the mill should be leased and the timber sawed so much per thousand.

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## EXHIBIT 23.

Report of Mr. Edward E. Ayer's interview with Mr. Wyeskesit, an old pagan Indian, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913. Mr. Wyeskesit was accompanied by Mr. Thomas Prickett and Mr. Frank Gauthier, the latter acting as interpreter.

Wyeskesit:

The reason why I come to see this gentleman is to tell him how the Menominees are in poor circumstances. You see this city here, it looks nice and good. But where I live is the poorest settlement that there is on the reservation—Zoa settlement, six miles away.

Mr. Ayer:

Q. What is the nature of the land up there; is there any good farm land?

Wyeskesit:

A. Good land, timber land; but how am I going to use the farm?

Mr. Ayer:

Q. I am going to recommend that the Government will advance money enough to those who want to farm to build a house and barn and get a team. Won't that help you?

Wyeskesit:

A. I want the views of this proposition placed before the tribe, and whatever action my people take, then I will give my opinion.

Q. I want your individual opinion.

A. My opinion is that when a man comes here I like to have him go and be my witness to the poor conditions we are placed in up there. We are in such poor circumstances we have no lumber; some of my people up there have bark for their roofs. We have no money to buy this lumber up here.

Q. How do they live?

A. Go around and hunt and trap.

Q. Is there much game on the reservation?

A. There is, but there are some of us that are unable to hunt. We are old and sick.

Q. How old are you?

A. 72.

Wyeskesit:

That was why I went to the war to fight for this country so that the white people that I helped would help me when I am poor.

Mr. Ayer:

Q. How much pension do you get?

A. $208.00 a year.

Q. How much annuity do you get a year?

A. In the beginning I got $30.00 twice a year; but now the money is being used for other purposes; it is sunk here.

Mr. Ayer:

In the past two years $444,000 was deposited with the United States Government out of the profits of this plant. Isn't that good?

Wyeskesit:

If this plant was a paying proposition would I be poor; would I be hungry? The white people you see here, *they* are the people who have good things to eat.

Mr. Ayer:

But over and above the entire expense of this plant for two years they have deposited $444,000 in the tribal funds at Washington. The money in your funds at Washington now amounts to about two million dollars. If this plant keeps on as it has for the last two years it will pay in a short time all the money that has been put into it.

Wyeskesit:

Well, where is this money?

Mr. Ayer:

They are paying annuities out of it; if they should pay that all out at once the Indians would be poorer in a few years than now; there would be nothing to draw from.

Mr. Ayer here explained to Wyeskesit, through the interpreter, that while he had come specially for the purpose of examining conditions at the mills and in the woods, still in the meantime he would make strong recommendations and suggestions that he hoped would benefit the tribe.

## EXHIBIT 24.

Report of Mr. Edward E. Ayer's interview with Mr. Charles Frechette, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Frechette was accompanied by Mr. Frank Gauthier, Mr. Mose Tucker and three other Indians.

Mr. Freschette presented a document which showed, as he understood it, that pine timber had been sold for $57.00 in the log. Mr. Ayer explained that his understanding was incorrect, demonstrating that the timber referred to had been sold for $70.00 per thousand on the stump.

The remainder of this meeting was taken up by a discussion as to the profits of the mill: Mr. Ayer showing how $444,000 had been added to the tribal funds at Washington, from the profits of the mill during the past two years; the total amount of the funds at Washington, etc.

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## EXHIBIT 24A.

Report of Mr. Edward E. Ayer's interview with Mr. Louis Oshkananiew, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Ayer:

Q. Do you live around here?

Oshkananiew:

A. I live away up on the northeast end of the reservation.

Mr. Ayer outlined his plan of recommending tribal cattle, asking if they had good hay up there.

Mr. Oshkananiew said this plan would work out well up where he lived.

Q. Are you a farmer?

A. Yes, sir; I farm about enough to make my living, 19 acres. I raise potatoes and corn.

Q. Don't you think that every 40 or 80 acres on this reservation ought to be run out and estimated and the good grazing land, etc., all be found out?

A. Yes, sir.

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## EXHIBIT 25.

Report of Mr. Edward E. Ayer's interview with Mitchell Oshkananiew, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913. Mr. Oshkananiew was accompanied by Mr. Joe Waupano.

Mr. Ayer:

Q. Are you working for the company?

Oshkananiew:

A. I was up to January, 1912.

Q. Couldn't you continue?

A. Well, at that time I was working here as timekeeper for this mill. In December there had been a payment and the Indians got only $5.00 per capita and they were not satisfied. Many of them did not have clothing on their back. Now many of them came to me and when I heard their pleas it touched my heart and I felt it was my duty to help my people. I went to Washington to make my complaint to the Commissioner as a delegate for my tribe. When I got down there we presented our complaint in writing. When I came back to my position soon afterwards I was told by the foreman that he had been instructed by Mr Nicholson to keep the time himself.

Q. Then they must have found they could get along without you. Did you accomplish anything by going to Washington?

A. We got $40.00 per capita.

Q. Don't you think you would have gotten this just as well without going to Washington?

A. I don't know, but that was our impression—that we got it because of my going there.

Q. How long was it before you got back and asked for your place again, after you left your employment to go to Washington?

A. It was not more than six weeks, from the time I left until the time I came back.

Q. What were you getting a month?

A. $2.00 a day—$52.00 a month.

Q. Well, now, have you ever worked for the company since?

A. This spring I made an application to Mr. Adams and he told me that when there was an opening he would let me know. I have been waiting, but haven't got a place yet. Now, when I came back from Washington in the spring there was a clerk that had been discharged and I made application for that, but I got a letter from Washington that Mr. Nicholson had not recommended me. So I couldn't get the place, although I made an effort.

Mr. Ayer:

Q. What would you suggest as a better way to handle this work?

Oshkananiew:

A. The Indians have been clamoring to log. When they did log they prospered, they had money in the spring to buy cattle and corn, and they worked their farms more than they do now.

Q. Do you refer to the general body of Indians or just the contractors?

A. The whole tribe.

Q. Do you know how many Indians have worked here the whole year, on the average?

A. No.

Mr. Ayer:

Q. Well, I can tell you: about 270. Now would it be good business to let these contracts to Indians to log if the mill could do it cheaper by having their own foremen and working the Indians as laborers? Isn't it the truth that there are more Indians working now than ever?

Oshkananiew:

A. Well, yes, now they are picking things up around here, but there are not many in the woods.

Q. Yes, but I refer to the last year and they have been making money.

A. Well, when they were logging they raised more farm products than they ever did before.

Q. Would you recommend that the mill be stopped and the logs sold?

A. No.

Q. Every Indian, man, woman or child, can have access to these books whenever they want it, and you get statements showing the accounts of this mill. The Government issues these statements and the books at the mill are immaculately right. The books are kept by the United States Government and audited by the United States Government. If any man should issue a false statement he would be sent immediately to the State's prison. If any man tells you that these books are not true he doesn't tell you the truth.

A. Now, if they have so much money why are they starving the Indians?

Q. That isn't the fault of this mill. The Indian Agent here cannot spend a cent except by the order of the Indian Department. The Government is at fault.

Mr. Ayer:

Q. Now you have been perfectly frank with me, but you haven't told me what Mr. Tyrrell, the attorney, is here for. Don't you want to tell me?

Oshkananiew:

A. Well, we are being mistreated. We want an attorney to speak for us. We cannot speak as well as an attorney. We want justice and we are not being treated right under the present way of doing things. We want our lawyer to get justice for us and we will keep him and pay him until we get justice.

Mr. Ayer answered that in his judgment the right way to handle their grievances was to take them up with Washington, not to give their money to the attorneys.

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## EXHIBIT 25A.

Copy of a letter dated Neopit, Wisconsin, December 3, 1913, from Mr. Mitchell Oshkananiew, of the Menominee Indian Tribe, to Mr. Edward E. Ayer, Chicago.

NEOPIT, WIS., Dec. 3, 1913.

HON. EDWARD E. AYER,
Railway Exchange Building,
Chicago, Illinois.

DEAR SIR:

I wish to write to you in connection with D. F. Tyrrell, an attorney whom you have met when you were here. You have had a long interview with him in the office at Neopit, and no doubt you may have formed your opinion of this man by the way he talked and his demeanor towards you.

I met this man three times during the past year. I saw him once before on the train in 1909 and that was the first time I ever met him. I did not know what kind of a man he was until yesterday.

He sent word to me at my home, in the afternoon, that he wanted to see me at the hotel, where he was stopping, at Neopit. I went there and when I entered the house I saw several Indians sitting in the room and he was the central figure.

He then told me certain things which indicated that he was displeased because he had been informed that I was working against him.

I did not like the way he talked to me in presence of the Indians, so I asked him for a private interview. We then went into a room by ourselves and I asked him for an explanation and it only resulted in a quarrel between I and him. He told me what he thought of me and I did the same.

On the morning of December 2d I was at the same hotel where Tyrrell was stopping. Two Indians were getting ready to go in the woods to look over the timber, and before they went Tyrrell was giving them instructions what to do there.

I find that many of the Indians actually believe Tyrrell is a great lawyer and that he can accomplish much good for the Menominee Indians. Thomas Prickett, an adopted member of the Menominees, has been working hard to create such a feeling among the members of the tribe.

Tyrrell is very active at present, evidently for the purpose of getting the good will of the tribe. I understand he is trying to get a contract from the Menominee Indians to employ him as their attorney, at an annual salary of $4,000 per annum.

Members of the tribe told me that in compliance with Tyrrell's request they had collected $150 in cash for him a short time ago before he went to Washington, D. C. After his interview with you in the office at Neopit, Monday morning, December 1, 1913, the Indians said that Tyrrell told one of them that he had convinced you that he was right. When this news went around the Indians felt glad. And as a result, I hear, the Indians are going to collect some more money to send Tyrrell again to Washington, D. C.

I do not desire to say anything against any other attorney who may be associated with him along this line, but as regards Tyrrell, it is my impression now that he is not the right kind of a person to have anything to do with the Menominee Indians, and his connection with them ought to be severed at once for the good of the tribe.

Yours truly,

MITCHELL OSHKENANIEW.

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## EXHIBIT 25B.

Copy of letter from Mr. A. S. Nicholson, Supt. Menominee Indian Mills, to Mr. Edward E. Ayer, dated Neopit, Wisconsin, December 4th, 1913.

DECEMBER 4, 1913.

HON. EDWARD E. AYER,
Chicago, Illinois.

DEAR MR. AYER:

For your information, last evening, December 2d, about six P. M., Mitchell Oshkenaniew came to my house and desired an interview, which I gave. His story was about as follows:

He and Mr. Tyrrell had a quarrel. It seems Oshkenaniew, who is head and front of stirring up present trouble, spoke disparagingly of Mr. Tyrrell's ability on the showing he made. Tyrrell accused him of working against him and of commencing to stir up feeling against his securing a contract with the tribe. Hot words passed. A division ensued between the Indians, with much feeling for and against. In course of his remarks Oshkenaniew said that Louis LaFrambois had mortgaged his house in Marinette for $200.00 which money was sent to a Mr. Ballinger, an attorney in Washington, to secure his interest in having an investigation made. He intimated that in the meantime efforts were to be made here to create feeling and get up any evidence they could. Mr. Ballinger is connected with Mr. Tyrrell.

Last night, and for several nights, meetings were held to take up a collection to pay Mr. Tyrrell; about $150.00 was collected and Oshkenaniew says paid to this man.

He says also that Tyrrell was trying to get a contract with the tribe; $4,000 yearly, and double that amount if successful. I told Oshkenaniew plainly that he came to me too late, that I had known for some time the interests that lay behind the attacks and the purpose desired. That I was not interested in his statement. If he had any to make and was undergoing any change of heart, he could write to you, and I gave him your address. "Where rogues fall out just men get their dues."

I could have showed you wherein every man connected with these complaints has been caught by me in crooked transactions and been disciplined. Yes, even jobs put up by them in hope that employees here would fall. That is the hope of this kind, that they can get rid of anyone who will not work their way. If I were to start at the head of the list, I could go down the line and find each one an utterly unprincipled character, who has been caught red-handed and the evidence in the office.

Pardon me for bothering you, but I thought you might like to know of this development.

Sincerely yours,

A. S. Nicholson,
*Superintendent.*

P. S.—An example of the pity of this whole thing and how it rebounds against the interest of the Indian in actual money loss, wages and all considered.

Mr. LaFrambois who paid the above-mentioned money has just been to the office and asked to have no deduction for house payment, supplies, etc., taken from his wages this month as he says his child is very ill and he wants to use money to consult specialist outside. He had but very little wages coming, due to fact that he was not working but spending his time running around.

Such situations as this are always the case, the poor Indian is induced to part with his money on any pretext, then when the emergency arises he has nothing.

Sincerely yours,

A. S. N.,
*Superintendent.*

## EXHIBIT 25C.

Correspondence between Mr. Edward E. Ayer and Mr. Mitchell Oshkenaniew, regarding the law firm of Tyrrell and Ballinger.

NEOPIT, WIS., Jan. 7, 1914.

HON. EDWARD E. AYER,
Chicago, Illinois.

DEAR SIR:

One of my friends told me a short time ago that he asked Thomas Prickett how Tyrrell was getting along at Washington and that Prickett told him that Mr. Tyrrell stood very high above all others in Washington, D. C.

And yesterday I had talk with another member of the tribe who stands close to Prickett. I asked him what promises Tyrrell was making to the Indians, as to what he could do for them, and he told me that Tyrrell was trying to get annuities for the Menominees and that he was also endeavoring to have an investigation made of Neopit affairs. That last Friday or Saturday Louis LaFrambois received a letter from Mr. Tyrrell stating that the Assistant Commissioner was favoring him. That the Commissioner of Indian Affairs was out west at present and that when he returned he was going to take up Menominee matters; that he was coming here to make an investigation. That it made no difference what Mr. Ayer or anybody else reported, that the Commissioner of Indian Affairs was going to make the investigation in person and that he was going to the bottom of the whole business.

Yours truly,

MITCHELL OSHKENANIEW.

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NEOPIT, WIS., Jan. 7, 1914.

HON. EDWARD E. AYER,
Chicago, Ill.

DEAR SIR:

In addition to what I wrote to you this day, I will say that during the month of September last Mr. Webster Ballinger wrote a letter in which he stated that the "Total loss to the tribe during 5 years' operations, approximately $1,429,426.43."

Yours truly,

MITCHELL OSHKENANIEW.

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CHICAGO, January 8, 1914.

MR. MITCHELL OSHKENANIEW,
Neopit, Wisconsin.

DEAR SIR:

I have your letters and contents noted. Will you kindly let me know who Mr. Webster Ballinger wrote the letter to, mentioned in yours of January 7th?

Yours very truly,

EDWARD E. AYER.

NEOPIT, WIS., January 13, 1914.

HON. EDWARD E. AYER,
Chicago, Ill.
DEAR SIR:
Mr. Ballinger wrote the letter to me.
Yours truly,

MITCHELL OSHKENANIEW.

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## EXHIBIT 26.

Report of Mr. Edward E. Ayer's conversation with Mr. D. F. Tyrrell, attorney, of Gillette, Wisconsin, December 9th, 1913, in Mr. Ayer's Chicago office, in regard to the affairs of the Menominee Indian Reservation.

Mr. Tyrrell:

Mr. Ayer, during the course of the last conversation which I had with you while at Neopit and just before you left, you referred to the critical condition of the Menominee Tribe due to the great dissatisfaction and the feeling of unrest which prevails throughout the reservation. If I remember right you referred to the condition of the tribe as being dangerous. You also made the statement that you felt that I had a great influence with the tribe and that, owing to that influence, I was the proper person to quiet this feeling of dissatisfaction and unrest, that I should inform the members of the tribe that conditions were all right on the reservation, that the tribe was making money and urge the members to turn their attention to agriculture.

I answered you, at that time, that I did not consider the conditions on the reservation all right, that I did not consider the tribe was making money, but on the contrary losing money, that I did not consider it advisable to urge the members of the tribe to go to farming until the conditions existing on the reservation had been corrected and means provided whereby they would be able to support themselves while clearing their farms and to build the necessary buildings and provide stock and farm machinery, and that, even if the necessary means were provided at this time, the move would not be successful so long as the tribe felt that tribal property and funds were being wasted through the operations at Neopit and that, as an honest man and an attorney, I could not look the members of the tribe in the face were I to advise them to lay down before the rights, for which they were striving, had been attained.

Your reference to the influence which you felt I had with the tribe, coupled with the fact that I realized as you did the gravity of the situation existing on the reservation and the further fact that I felt I had, in a large measure, the confidence of the tribe, and that they were depending upon me, locally, to safeguard their interests and advise them honestly and fearlessly, placed upon me. Mr. Ayer, a responsibility which I carried from your presence and which I felt was paramount to any personal interest which I might have in the premises.

I felt then, as I do now, that the great dissatisfaction existing throughout the reservation must be checked and wiped out at once or great injury and suffering would result, not only to the tribe but also to the individual members thereof.

Moved by these considerations, I took up the matter with some of the leaders as well as other members of the tribe.

The result that we arrived at the conclusion that this discontent and dissatisfaction would remain unless the conditions and circumstances which brought them about were eliminated.

We also arrived at the conclusion that there was but one of two ways by which the existing conditions could be eliminated.

First. By a thorough investigation of all tribal matters. It was suggested, however, that this investigation would undoubtedly prolong this feeling of dissatisfaction and unrest for a considerable time, as it would simply lay the foundation for the remedial measures, which would, of necessity, have to be taken in order to change the conditions existing and which would, of course, take time.

Second. By allowing the tribe to employ attorneys through whom and by whom the conditions prevailing upon the reservation could be made known to the Department and the proper remedies applied by the Department, and by allowing the tribe, through its attorneys, to sue for the loss which it has sustained through the operations at Neopit and by the Department taking the tribe into its confidence to the extent of listening to and investigating any recommendations that the tribe might make with reference to the men placed over it.

It was felt that, if this last course be taken, it would ultimately attain all the results of an investigation but with this in its favor, that it would quickly allay this excitement and dissatisfaction as the members of the tribe would feel that their rights were being safe-guarded and that gradually and in an orderly manner the conditions to which they are subject would be righted.

The conclusion was also reached that, unless this last course was adopted, the only other course was an immediate and thorough investigation of tribal affairs.

Mr. Ayer:

Q. Who are the "leaders of the tribe"? Give me their names.

Mr. Tyrrell:

A. There are a great many—I could not give you all the names. There is Louis LaFrambois, Tom Prickett, Adolph Amour, Tom LaBell, Joe Longley, Joe Wabeno, Paul Tebeau, Sam LaFrambois, Frank Gauthier, Mose Tucker, Simon Beauprey, George McCall, Joe Law, Pywaukee, Wyeskesit, and many others whom I have not space to mention, but who enjoy in an equal measure the confidence of the tribe.

Mr. Ayer:

Q. What is the nature of these claims that the Indians have got: do they want to collect for what was lost before the mill was started, by the wind break and that sort of thing?

Mr. Tyrrell:

A. We have put that out very fully in our application to the Department. That is, the operations at Neopit have entailed a loss of over $1,000,000,

including the loss entailed by the blow down and from the lumber operations since the building of the mill.

And then there is a bill pending before the Department for the enrollment of a large number of half bloods, and the members of the tribe desire every man to become enrolled who can show a legitimate right to be there, but not otherwise, and they wish to be protected against those who have no right.

Then there is the claim which the tribe has against the Government and the Stockbridge Indians for the timber cut on what is known as the "Two Mile Strip" as well as many claims growing out of tribal treaties.

Mr. Ayer:

Q. What do you think about the recommendation I am going to make, that the Indians take up farms? Don't you think it is a good one?

Mr. Tyrrell:

A. I believe that, applying to a large number of the Indians on the reservation, it is the ultimate solution of their social welfare. I am also convinced, as I have stated before, that I do not consider it advisable for the Indians to undertake farming on the scale contemplated by you, until the conditions now existing on the reservation are remedied and also help extended to them. I firmly believe that if the existing conditions are met as I have suggested, a number of the Indians would select their farms and begin next spring, providing, of course, that some method was devised by which they could get help.

Mr. Ayer:

Q. Have you taken this up with the Department?

Mr. Tyrrell:

A. No. That would really be a matter that would be outside the scope of our employment, although, it could, if desired, be made so; that is, to make suggestions, etc., as to the methods by which help could be extended to those farming.

Mr. Tyrrell:

If you feel that you can recommend that the tribe be allowed to employ its counsel and allow them to work out a solution with the Department of the conditions existing, which would relieve the intense feeling among the tribe, and also recommend that the Department as much as possible take the tribe into its confidence and pay attention to and investigate the recommendations which the tribe might consider proper to bring to the attention of the Department, with reference to its employees, I feel that a good step would be taken.

Mr. Ayer:

Q. Well, now, the matter of expense is a very important one. Now, what would the expense be?

Mr. Tyrrell:

A. Our contract provides for $8,000 a year for Mr. Ballinger and myself. We contemplate a local man near the tribe and Mr. Ballinger in Washington to attend to matters there, we jointly to handle the litigation of the tribe.

Mr. Ayer:

Q. Well, of course, you would be the local man?

Mr. Tyrrell:

A. Yes; I would be the local man. I feel that, while I have their confidence, I have no "cinch" on the tribe. They are at liberty to hire anyone they please.

Mr. Ayer:

Q. When I was at Neopit you said you had never received one cent of compensation.

Mr. Tyrrell:

A. Up to date I have never received one cent of compensation. About three and a half weeks ago I received $125.00 which has not been sufficient to meet my expenses to Washington, and since that time.

Mr. Ayer:

Q. That came from the tribe?

Mr. Tyrrell:

A. Yes. At the present time I am guaranteeing my expenses myself, and if they are not paid by the tribe I have to foot them myself. The tribe is under no legal obligations to me for any services I have rendered them to date, but the conditions there have been and are so urgent that they require immediate attention, so much so that I could not allow the lack of money on the part of the tribe to keep me from doing what I could to see that justice is done them. Mr. Ayer, I don't know whether your attention was called to the condition of the pagan Indians or not?

Mr. Ayer:

A. No, I didn't have the time to look into that.

Mr. Tyrrell:

A. At Mr. Wyeskesit's request I visited several families of pagan Indians. I was able to endure but three families: their condition was so pitiful and demanded so much relief that I simply turned sick and I could not continue visiting the remaining families there.

Mr. Ayer:

Q. You are perfectly satisfied that every opportunity was given you at the plant to present your case, under the circumstances?

Mr. Tyrrell:

A. No. I cannot say that, from the fact that I could have kept your men there at least two weeks.

Mr. Ayer:

Q. That would not have been consistent.

Mr. Tyrrell:

A. But when you consider that the conditions to which we called attention are practically the prevailing conditions over the entire area of operation, you can see that we could cover but a small fraction in the few hours that we were out. I must say that I do not consider that "every opportunity" was given me to present our side of the case. Far from it, Mr. Ayer.

Mr. Tyrrell:

Q. What would be your position in this matter, if I may ask?

Mr. Ayer:

A. I would not recommend any attorney or attorneys, because it would be a division of authority, there would be two different interests that the Indians could go to. Every time an Indian was discharged, or anything else, he would come to his attorney and that would mean a report to Washington and the superintendent would make another; and it seems that in any business the more divided authority you have the more you are liable to fail.

Now, if the United States can have a man that is taking care of 40,000,000 feet of lumber a year practically, cutting, sawing and selling, and then have charge of 1,700 people, sick, lame and lazy, and all for $3,500.00, I certainly would not recommend that they pay lawyers $8,000 a year for presenting the ordinary business of the tribe which the Government is under obligations, through their Indian Department and special agents, to attend to themselves. I would not recommend anything of that kind.

Mr. Tyrrell:

As far as the "division of authority" is concerned, I don't believe there is any contract that contemplates any division of authority and there certainly would not be any.

Mr. Ayer:

Yet you say that you would present their grievances, etc. If you had the power and right to go in on the reservation and listen to the complaints of those who had a grievance. The Government has its agent there for that purpose and I don't believe the Government has any right to permit the Indians to spend any money for attorneys. If there are individuals that want to employ attorneys and they have money to pay for them, all well and good.

Mr. Tyrrell:

Now, if you knew the number of cases I have had to attend to which demand attention——

Mr. Ayer:

You mean in this tribe? Then in that case you have been doing part of the duties of the Indian Agent, of course.

Mr. Tyrrell:

No, not at all. These are matters which the Government should have attended to, but which the Government never has and I don't believe the Government ever will.

Mr. Ayer:

Am I to consider, then, that you haven't any faith in the Government ever settling these claims?

Mr. Tyrrell:

I have absolute faith in the present officials at Washington, connected with the Indian Department. But I don't believe that it is possible for the Indian Department, through its local department, to obtain for the Indians that full measure of justice which an attorney, who is employed for the tribe and paid out of tribal funds would secure.

Mr. Tyrrell:

In connection with this "blow down" in the logging district, some of the members have approached me and stated that they felt the tribe would desire the settlement of these claims, with the exception of that of Cook, upon the basis of what was actually due the contractors at the time of the closing of operations, with a reasonable per cent interest, providing we as their attorneys would stand between them and the suing contractors.

Mr. Ayer:

You think they would save money by having you do that?

Mr. Tyrrell:

Now understand, Mr. Cook, outside of his own claim, has claims, I have been informed, aggregating in the neighborhood of $100,000 if not $130,000—I don't know. I believe those claims could be settled for an amount in the neighborhood of $25,000 to $30,000, or, in other words, for the amounts due the contractors at the time of the closing down of operations with a reasonable per cent interest Understand, I am not referring to Mr. Cook's personal claim in this connection or at any time with reference to these claims, but simply to those claims which, I have been informed, Mr. Cook has taken to collect for certain other contractors, including a number of Indians.

Mr. Ayer:

There were certain deductions made by Mr. Brannif from all the claims, the reasonable cost for running the logs, as they never were run. Then, in addition to that there were penalties for cutting green timber, etc., which he docked them for, too. Now, isn't it a fact that the Government has considered these deductions and if anything ever is paid out it goes to a few white men. How do you save money for the tribe in that way?

Mr. Tyrrell:

Mr. Cook's claims call for not only the amount actually due, including those deductions, but also claims for damages for breach of contract, etc., which bring it up from $25,000 to $100,000 and over. Now, if it is considered that these claims are proper to be paid it means that the sum of $100,000 will come out of the tribal funds. Now if the tribe is allowed their attorneys and they can settle for $25,000, they are saving the difference between $25,000 and $100,000.

Mr. Ayer:

I see. The Government claim that they don't owe anything. Now, these men who have $100,000 damages, etc., you think you could get off?

Mr. Tyrrell:

These Indians who have contracts and who have certain amounts coming on those contracts and which have been held back have stated to me that they thought the tribe would be willing to vote for settlement on the basis of what they claim was actually due, with a reasonable per cent of interest, providing we represented the tribe to see that these conditions were brought about which I have just outlined.

Mr. Ayer:

Isn't it a fact that the Indian Department and the Government claim that they don't owe these claims? Isn't it a fact that if they paid any money

on those claims of any name or nature it would only go to the few loggers who have those claims and would come out of the funds of the Menominee Indians?

Mr. Tyrrell:

The position I take is that the Government will have to pay every dollar due on these contracts. Certainly it has got to come out of the tribal funds, but they would be willing to pay this because there was a chance that they would have to pay more if they went to law.

Mr. Ayer:

Mr. Tyrrell, your coming here to discuss these things with me is perfectly proper.

Mr. Tyrrell:

I take it so.

Mr. Ayer:

And it is just as proper for me to disagree with you.

Mr. Tyrrell:

Absolutely. Mr. Ayer, I have given this matter a great deal of time and attention, through the fact that I feel that these conditions must be done away with, the tribe must be quieted and as many as can must be taught farming.

Mr. Ayer:

Yes, that is one of the first things I took up with them.

Respectfully submitted.

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## EXHIBIT 27.

Copy of Mr. D. F. Tyrrell's letter to Webster Ballinger, Washington, D. C., which was forwarded to Mr. Ayer by Mr. Sells, with letter dated December 4th, 1913.

(Copy)

Law Office of

D. F. TYRRELL

GILLETTE, WIS., Nov. 24, 1913.

WEBSTER BALLINGER,
Washington, D. C.

MY DEAR BALLINGER:

Have just returned from Shawano where I met a number of Menominee Indians. They inform me that for some time now the officials have been cleaning up around the mill yard and in the woods.

In the yard they have been cleaning up and piling all pieces of lumber that they had allowed to be scattered around and have covered up other lumber

with refuse and ground up wood from the "hog" in order to get it out of sight.

In the woods they have commenced to dray in the logs that they had left to spoil and to deck up other logs that they cannot dray in now.

In other words, they are "slicking up" for some reason and to my mind it looks as though it was in contemplation of a "visitor."

The Indians tell me that this cleaning up had never been done before, so it looks as though something has been "tipped off" to the officials here. This is an additional reason why I should be allowed to point out these things.

This information should be brought to the attention of Mr. Sells at once so that he will know just what the conditions are here. I am writing this at 11.00 P. M. at night so that it will go on early morning train and reach you as early as possible. One Indian informed me that he had been discharged because he had objected to their covering up a large number of pieces of two-inch hemlock plank.

Be sure to bring this matter to the attention of Commissioner Sells without delay.

Yours in haste,

(Signed) D. F. Tyrrell.

My Dear Mr. Ayer:

Herewith find copy of a letter which may be of interest to you. The letter has just reached me and I am sending same to you at my first opportunity, that you may have the benefit of its contents.

Sincerely yours,

Cato Sells,
*Commissioner.*

Hon. E. E. Ayer,
Care Menominee Mills.

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## EXHIBIT 27A.

Copy of Mr. D. F. Tyrrell's letter to Mr. Ayer, dated January 27, 1914.

Law Office of D. F. Tyrell.

Gillette, Wis., January 27, 1914.

Mr. Edward E. Ayer,
Chicago, Ill.

Dear Sir:

In looking over my correspondence I find that a letter from you, containing the following inquiry, is unanswered.

"You mentioned several times, at Neopit, that you thought there was plenty of Indians there perfectly capable of running logging camps and to take almost any position around the plant or in the woods. Would you be kind enough to give me the name of those you think would be capable of

that kind of work? I certainly agree with you that wherever possible such Indians should be worked in as good places as they can fill."

With reference to your inquiry, I desire to reiterate that there are plenty of Indians perfectly capable of running logging camps and of filling many positions now held by white men on the reservation. I would not attempt to name these men for they are well known to Superintendent Nicholson and you could very easily have ascertained the truth of my statement by a little inquiry while upon the reservation.

Very truly,

D. F. Tyrrell.

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## EXHIBIT 28.

Report of Mr. Edward E. Ayer's interview with Mrs. Myrtle W. Marble, Field Matron, Keshena Indian School, Keshena, Wisconsin, regarding her work on the Menominee Reservation.

Mr. Ayer:

Q. How long have you been in the work and do you notice any improvement following your labors?

Mrs. Marble:

A. Approximately six months on this reservation. Much of my time has been consumed in getting thoroughly acquainted with the Indians, especially the women, acquiring their good will and confidence, and learning of the actual conditions in the homes. I have found but two women openly hostile toward me on my first visit, but these have been won over and now welcome me into their homes. One of these so far forgot her antagonism as to come and see me when she came to the agency. Both are among my very best friends on the reservation. The women generally have taken kindly to my suggestions and it is a daily occurrence to have them call on me for advice or assistance during sickness, trouble, domestic or otherwise.

Mr. Ayer:

Q. How many homes do you try to visit?

Mrs. Marble:

A. About one hundred within a radius of eight miles of Keshena, the agency, and my home. Occasionally I make trips into more remote sections, but not regularly.

Q. What percentage of these Indians are pagans?

A. Probably two hundred or thereabouts in the entire tribe, but less than half of these are in my immediate vicinity. While not so ready to understand and profit by the instruction given, the pagans are fully as friendly, welcoming and expressing appreciation of whatever kindness shown them.

Q. How often do you drive out into the reservation?

A. Every day, unless the weather is extremely bad, with the exception of Saturdays and court and council days, I try to drive to some home. Sometimes this is not possible owing to the fact that I have no team for my

exclusive use. When no team is available, I walk to the homes at and near Keshena, making periodical trips to the Menominee hospital. Saturdays and stormy days I devote to keeping up a record of my work and answering the demands of the older people who come every alternate Saturday—ration day.

Q. What do you teach?

A. Everything which I think will aid them in making their homes better and more healthful. I touch on ventilation, sanitation, disposal of garbage, cleaning yards, screening windows and doors, cooking, nursing and cleanliness of person and house. I urge the women to be more systematic in their work, although there are many very good housekeepers among the Menominee women, and encourage them in the practice of their native arts—basketry, buckskin and bead work, rug making, etc.—and endeavor, so far as possible, to find them customers for their finished products. In this connection I am contemplating the establishment of a sort of small exchange where those who wish can exhibit their handiwork, with prices displayed, and thus procure customers which would not be possible if the work were kept at their homes until called for.

Mr. Ayer:

Q. What do you do for the children?

Mrs. Marble:

A. First of all, if health and age permits, I seek to get them into school, if they are not already regularly attending. In case parent or child objects, I try to overcome their objection by showing the benefits of education. Failing in this, the matter is reported to the office at Keshena, with all the facts obtainable and the task of getting the child into school, or hospital if health requires, is taken off my hands. I have found few cases, however, where the parents were unwilling to listen to reason, and a friendly feeling exists toward all schools.

Q. What action do you take when you discover contagious or infectious diseases?

A. In cases of grown persons the matter is reported to the agency physician, who calls immediately if not already familiar with the case. Where children are concerned, they are induced, if possible, to go at once to the hospital where examination is made for tubercular symptoms with a view to getting the incipient cases into sanatoriums for systematic treatment. Where trachoma and other diseases are found the agency physician handles the case. I have personally conducted a class of six tubercular pupils to the sanitorium at Fort Lapwai, Idaho, and the reports brought back from that institution make other parents more ready to send their children away from this damp climate for treatment.

Q. What do you do for the cases which remain at home?

A. Give all possible instruction and care to prevent the communication of the disease to other members of the family. Urge other occupants to stop indiscriminate expectoration, the use of suitable sputum receptacles and the burning of the same, the extermination of the bed bug as one means of preventing the spread of disease. I have personally applied and distributed considerable quantities of bed bug exterminator and found much satisfaction followed its use.

Q. So far as you have gone, what do you consider the greatest need in the homes?

A I would say that the installation of screens on doors and windows, if properly used, would accomplish the greatest good to the greatest number. I find it impossible, however, to secure this simple improvement, especially among the aged and infirm Indians, for the reason that they have no means of purchasing the necessary material and are unable to do the work personally. Outside a little output of bead and other handwork, these people have no means of earning money, and such annuities as they may receive are required for their subsistence.

I shall suggest to the office that a special effort be made to issue the necessary lumber and wire screen to these people who are unable to buy, when in the judgment of the superintendent, physician or field matron, proper use will be made of such materials. There are sufficient tribal funds to take care of matters of this kind and the aged and infirm ones are to receive little benefit from this fund unless a portion of it is expended for such protection to health as herein indicated. Many of the most needy and deserving ones—especially among the full bloods—will not make their own wants known and too often their necessities remain unsatisfied until those in authority accidently discover conditions and apply relief.

Mr. Ayer:

Q. As a tribe, what do these people need?

Mrs. Marble:

A. To be taught to live together more harmoniously and with less of jealousies and fault-finding among themselves. They are, as a people, quite good to their children and to the children of others, but slow in helping each other in sickness and need. Very often they are willing, but lack leadership; therefore do little. I have made special effort along this line and have found many of the people quite ready to assist as soon as they understand what to do. The tribe also needs some good wholesome instruction on the marriage relation, which is not held in as high esteem as it should be, although from reports conditions are much better than formerly. The parents also often permit their children to marry at a very early age and the sending of the larger girls away to non-reservation schools seems to be absolutely necessary to prevent their marriage before womanhood is reached.

Q. What do you think of the establishment of a girl's cottage home, where every-day housekeeping could be taught in a general way.

A. This is an idea I have already proposed to the agent. In the average Government or mission school, where girls are taught to work with modern equipment in all departments, they complete their education and leave absolutely without knowledge of the things actually required in the homes to which they are most likely to be called. Of what benefit is it for a girl to know how to operate a bread-making machine or a steam mangle, when she is confronted at home by the simple bread pan and the rusty flatiron?

I am not disparaging the usual method of education, but think the average Indian girl would be able to do more toward civilizing her people if she were taught to make the best possible use of the appliances and furniture at hand in the average home, rather than to pursue the higher education when it will not be required later. It is impossible to make farmers out of all the Indians, so it is difficult to make finished domestic science graduates out of all the girls.

## EXHIBIT 29.

Report of Mr. Edward E. Ayer's correspondence with Mr. A. S. Nicholson, Superintendent of the Menominee Indian Mills, at Neopit, Wisconsin, arranged in the form of questions by Mr. Ayer and answers by Mr. Nicholson, dated between the 3d and 15th of December, 1913.

Q. You are the Manager and Agent of the Menominee Indian Reservation, are you not?

A. I am Superintendent of the Menominee Indian Reservation in general charge of Indians, schools and the Neopit Lumber Operation, subject to the instructions of the Commissioner of Indian Affairs, Washington, D. C.

Q. I find a good deal of complaint about your management here by a portion of your charge. In a general way please tell me why these men that are dissatisfied are not at work.

A. The complaint on part of certain Indians against my management is not a fair one. The sentiment shown is purely manufactured, based on no reasonable shadow of substance. It is purely the effort of the dissatisfied and those whom I have been compelled to discipline in my capacity as administrator of law and regulation and teacher. It is simply the effort of the few unprincipled faction leaders. Seizing upon every pretext, twisting everything that will suit their purpose, manufacturing false evidence, preaching waste of Indian money, not borne out by the record. Distorting every conceivable kind of thing to gain their ends in order to influence and poison the minds of their simpler fellow Indian. It is openly charged I spend the Indian money as I see fit, while as a matter of fact I cannot spend one cent without previous authority of the office for which purpose and strong justification must be shown and account by sworn voucher in turn for every cent for which I am bonded to the Government for $100,000.00.

To understand better, the Indians are told on failure or delay in payment of annuity that their money is all gone, that I spent it. As a matter of fact their interest money amounts to about $80,000 yearly, which, under the law, the Secretary of the Interior alone is authorized to expend for the best interests of the Indian. The expenses of agency and Government schools is about $50,000 per annum. This includes salaries, supplies, rations and clothing, support of hospital and employees, road improvement and such general expenses as repairs, etc. The Indian gets considerable part of this in shape of wages. There is $18,000.00 expended on contract mission school facilities. The Secretary is authorized, if he sees fit, to distribute the balance in shape of annuity. They received such only for past 6 years out of accumulated interest at rate of $30.00 per head, men, women and children. The tribe first logged in 1880. It took them 30 years to roll up the sum of little over two million dollars. One million dollars is invested in this town and plant as a combined educational and business proposition. When I came here the tribe had in the Menominee Log Fund, June 30, 1910, $1,296,558.82. I took hold October 1st, 1910, taking place of former manager. Each year since has seen progress. The first year was a stupendous task on part of every one to shut out loss. Remember I had to sell a product manufactured before I took hold, costing more than it would bring in market. Notwith-

standing this the figures of the books of the Treasury Department, Washington, D. C., show this fund to have on date of June 30, 1913, reached $1,737,550.67, a net result benefiting the tribe $440,991.85; at this rate their original fund will be duplicated under ten years.

Copies of the official letter showing these figures were placed in the hands of the tribe and the perfectly unscrupulous persons interested immediately preached to the Indians that figures were not true, that books were doctored, etc. Every appeal to passion, prejudice, argument is used in secret to acquire following. It is pointed out that whites have all the good jobs and Indians all the poorer ones. They are told they are competent to perform the work, etc. In addition to this certain powerful interests outside who have always been opposed to this plant add fuel to the flame by misrepresentation to the Indians, having, I am almost certain, Indians here in their employ. Again, there is the liquor and traders' interests whom I have to combat, punish in first instance, and discountenance Indians going into debt in second case. They preach against the agent in charge, saying he is the one responsible for lack of money to spend. How powerfully the Indian takes this can be easily seen when he goes in a store to get a line of credit. The records of the men interested are and have been records long before I took charge. In fact, to curb them was one of the reasons I was sent out here. Without going back, let me give you a short record of a number who talked with you. Records in black and white of this office.

THOMAS PRICKETT. Part blood. Indian blood, very little. Member of tribe since 1911. No visible means of support, yet dresses fairly well. Travels to and from town. Spends railroad fare, pays hotel bills and gambles. Was on our payroll prior to June, 1911, in capacity of warehouse helper. Has not worked since. This was right after he became member of tribe. Was insurance agent and collected—defaulted in making payments to company as per their letter on file and records showing payment by Indians to him and failure to remit the company, causing cancellation and consequent loss to the Indians. Record of Indian Court shows borrowed money from Indian women, promising repayment and failed to do so. Record of Indian tribal councils shows attempt at assaults on Indian women. Father of children not through marriage. Refused to live up to promise of marriage. Has never applied for work since, although opportunity always open.

FRANK S. GAUTHIER. Employed as trespass agent at $900.00 per annum in 1910, performed no work. Removed. Employed as clerk Keshena Indian Agency $720.00 per year. Stole liquor from vault placed there as evidences in liquor cases. Drunk many times. Warned, took pledge, violated it immediately. Guilty of secretly formulating charges, false, against employees whom he disliked because of having to report him. Dismissed. Employed as warehouse clerk. Duties, billing supplies and shipping. Careless, made many mistakes which might have proved costly, resigned. Indicted by U. S. Grand Jury for introduction of liquor on the reserve and only this summer trying to induce his own son and another boy just home from school to drink intoxicating liquors. Guilty of supplying liquor to other Indians for past years; not working. No visible means of support. Dresses well; always has money. Travels much to outside towns, paying railroad fare, hotel bills; even trips to Washington, Milwaukee, Ashland and other places.

MITCHELL OSHKENANIEW. Tribal resolution on record prohibiting him from ever representing the tribe in any capacity due to past misdeeds. Employed as a check timekeeper on late men and those going out before time at mill. Found not to be on post. Many mistakes made in time book of which he had control. Guilty of making charges against employees from manufactured evidence known to be false. Does not pay debts. Left employ of mills of own accord in February, 1912. Has not worked since. Lives and dresses well. Takes trips; apparently has money. No visible means of support. Known to be addicted to use of liquor. In beastly condition while on trip to Washington. Has drunk liquor since here on reserve with other Indians. Perfectly unscrupulous. Secretly stirring up race prejudice at all times. Has not applied for work since until last month after a talk with me in reference to Indian Office letter to discipline him on account of failure to live up to contract.

CHARLES CHICKENEY. Employed as forest guard, $720.00 yearly. Dismissed after many overlookings on account of drunkenness. Have letter in my file complimenting me in treatment of him. Employed now in yard as sub-foreman shipping. Careless in work. Has to be continually watched.

SIMON BEAUPREY. Employed $720.00 yearly. Dismissed account habitual drunkenness. Supplying liquor to Indians. Guilty of failure to perform duty assigned. In case where he was to actually scale timber being shipped, he copies from books of purchasers. Then spreading story of shortage in scale, charging collusion of operation officials. Has not worked for some months. Evidently has plenty spending money, as he goes about same as others.

SAM LAFRAMBOIS. Works fairly well when he finds congenial employment. This is usually when gasoline loaders are working. No sense of responsibility. Was in charge of loader only short time ago. Same was being moved. He forgot to have the guy line removed, result: one man killed instantly, three other lives endangered.

JOE LONGLEY. Rarely on our pay rolls. Plenty of work for him. Lives well; no visible means of support. Guilty of drunkenness and introduction of liquor on the reserve. Took a bark contract job a short time ago. Bark in woods found to be so piled as to have hollow spaces inside; as he was paid by cord evident intention to beat the scaler, which was done. Walks around criticising everything, but producer of nothing himself. Had a job on tie making. Utterly failed to live up to specifications. Had to cancel contract; lost money.

MOSE TUCKER. Farmer at Keshena. Takes jobs here in winter. Has logged. Loaded out bark on contract. Never yet has he come out even. Exercises no executive ability over work. Lets supplies go out of camp without charge to his men. Struggles in a way, but likes the easy route. Somewhat inclined to follow prevailing sentiment rather than lead. Inclined to get into debt in spite of supervision. Does not like to be cautioned. May be considered as trying to better himself.

PAUL TEBEAU. Mixed blood. New member of tribe. Has been foreman of timber makers. Supposed to scale and keep time. Failed utterly. Found him taking record as furnished by the purchasers of timbers. Employed as foreman of brush burning crew. Careless. Let fire get away from him, then tried to cover up by spreading story operation deliberately set fire to pile logs. Nearly a costly venture for us. Had contract to complete cut of old Camp 12, taking small bodies timber left there; failed to complete

job. Claims could not secure labor. Yet aspires to foremanship. Indians will not work for him. Responsible for story of waste at old Camp 12 site, when as a matter of fact he left himself the stuff he was to take in as per contract. Critic in everything. Tried and found wanting in every test given.

TOM LABELL. Farmer, hotel keeper, jobber. Addicted to use of liquor, gambles, aspires to be a leader. A part blood. Failure as logging contractor. Does not work except at times. Uneducated, talks much. Took logging job last winter, had to be carefully watched on supply bill or would run behind, careless as to detail. His excesses of past unfit him for hard work. No morals.

ADOLPH AMOUR. Pond foreman. Works fairly well. Aspires to better job. Uneducated. Careless on details and property in charge. Addicted to use of liquor. Wastes his earnings. Jobber. Never made good, ran far behind, possesses no executive ability, cannot handle men, no sense of responsibility. Did not think it anything out of way that he caused a loss of several hundred dollars, but if saw white man absent from post 5 minutes would point it out as stealing time. Has been often away from his post minutes and hours; thinks it all right to put in time and draw pay.

GEORGE McCALL. Now camp foreman. A logger in a way if continually supervised. Cost of his camp greatest on the works. No business head. Have to continually drive him. For instance, was formerly foreman our Camp 5. Cost of feeding teams showed very excessive. Investigation showed men going to town, liquoring up and returning with a team and driver. Paid by bag of oats or bale of hay out of barn. That was reason of high cost. He neither reported liquor trespass nor could he account for high costs, although something was wrong. Could see no wrong in entertaining friends or visiting teams at expense of operation. Let him out and am now trying him again, although he has to be continually watched.

FRANK KESHENA. Had been assistant time clerk. Made mistakes. Used liquor considerably. Liked to go to town frequently. Dismissed for inattention to duties. Given a chance again as camp property clerk. Duty to check up wagon account. Knew a clerk was short, did not report because was an Indian. Property clerk; another Indian reported he was of no use at all, let him out. Gave him another chance as clerk and scaler on jobbers, because Indian jobbers he evidently allowed more than full scale in instances. Scaled twice, in bark jobs when bark shipped out actual measure much less than his scale turned in. In count and inspection of posts careless. Jobbers would have been overpaid, only that a double check found his shortcomings. Likes easy job and good pay. When errors found by him not reported to office, but told Indians, making a story plausible as if fraud was intended.

CHARLES DUQUAINE. Part blood. Indian very little. Camp clerk. In town every evening until late at night. Gambled. Caught stealing money and property of operation. So far has not made good. Utterly immoral. Made no effort at going to work since dismissed from former job. Careless at work. Scale not to be depended on.

CHARLES FRECHETTE. Mixed blood. New member of tribe. Has been camp foreman. Cost was highest of operation. Aspires to superintendency, although not fitted; no business ability. Critic of superiors, not always following instructions. Follower of Frank Gauthier, instrument in his hands in spreading talk and creating dissension. Works fairly well,

that is, steadily, now foreman of pond crew. Cost of this work some cents per M higher than it should be. Has not the knack of getting work out of men.

PETER LAMOTTE. Chief of Police. Inclined to exercise authority at inopportune times, saying he was so ordered. Again fails to call my attention to cases wherein friends of his are concerned. Has been logging jobber, failed. Likes to mingle in town gossip too much. Not independent, inclined to follow rather than lead. Likes to liquor up. No sense of responsibility; fails to set example to his Indian brothers. One of those who preach tribe money is being wasted because the interest money is not handed over to them. Gambles. Will not do real work. Prefers easy job.

LOUIS KAQUATOSH. Works at odd times; likes to liquor up. Wants easy money. Has been given jobs tie making. Logging, failed utterly in each. Runs into debt. Rarely pays bills; says he is going to some time. Owes mills. Trades with every one where he can get a cent credit. Plenty of work, but does not like the steady grind of real work. Drives round considerably.

REGINALD OSHKOSH. Was employment agent, $900.00. Performed no work. Dismissed. Liked to liquor up. For a long period stirred up trouble in order to get easy job and good pay when he could have time to look after tribal interest, as he put it. Finally made up his mind to go to work; is now foreman of small crew. Does not think it wrong to take time off. Is progressing and all in all is better leader for Indian good than any of other so-called leaders. Is hereditary chief of tribe. As such, thinks he should be superintendent. In fact has a scheme whereby certain leaders should be made superintendent in charge of mill, logging superintendent, etc., and then white men hired to do the work.

LOUIS LAFRAMBOIS. Part blood. New member of tribe. Employed as pond man. Wanted to be fireman in mill. Weighs 250 lbs. When it was pointed out that firemen have to clean boilers and it was a physical impossibility for him to do this work he thought the mill superintendent might do this. Sulky, complains he should have better job. Several chances given him to show capability but did not like the steady grind. Claims able to make $3.00 to $3.50 a day outside, but stays here at $2.00 a day. Owes many bills, poor pay. Continually in mix up in towns; social relations. Says is citizen; advises Indians to resist discipline. Only just before your arrival here was one of party arrested coming from town drunk as a lord. He had the money—admitted buying liquor but refused to tell who supplied same. Busy always in fomenting trouble. Not inclined to steady employment. Criticises but does not realize the value of applied industry. Wastes his earnings. Responsible in part for stories to Indians,—books of mills doctored and that funds are spent and wasted.

JOE LAW. Does not work. No visible means of support. Gambling seemingly his only industry; continually driving around. Lately seems to take some interest as member of Indian Fair Association.

These are only a few that I quote. I could go on with record of sixty or more. In most part misled and misinformed but willing to believe in hopes of a change whereby they would not be continually prodded to start straight. All would like a good job at good pay,—easy work, etc., but none display intentions by industry to earn promotion. They have no sense of responsibility. Do not see wrong on their part, but find it readily on part of

others. I have found Indians taking hay and feed from barns. They did not call it stealing on their part; sort of figured they had a right to it. I have placed Indians in charge of property and they could see no reason in having to account for it. Some one took it.

I have had Indian clerks deliberately make mistakes for instance in supplies, charge white employees one price for supplies and Indians another and then run around shouting discrimination against the Indian, not knowing their purpose had been discovered and proper correction made. I have had Indians in semi-executive or clerical capacity and when legitimate error found fail to report same, but instead spread rumor that things are wrong and point these instances as example. Many and many incidents such as this have I investigated and corrected, and many investigations on part of Inspectors of Indian Service and others. The time has yet to come in which something wrong is to be found. In fact, the position of the management here has been strengthened in each and every case.

Every Indian who wants work can get it. No Indian can be produced who can say that he applied to management here and could not get a job and at once. It may not be the ideal one he desires, but it is one which I think measures up to his capabilities or one in which I can test him for his fitness. No man is barred, not even those dismissed for cause. In a case like this I simply start all over with the person on a new line to make something out of him and this not once, but after failure upon failure. I have not always held the employer's point of view in mind, but ever before me is my semi-dual capacity of teacher. I do not aim to say that my management is perfect, or that this plant is an ideal business corporation. The law makes this an institution for industrial development of the Indian, and as well a business proposition in which they are expected to benefit financially. No man need suffer for work nor do they. True, they may say so—think they are entitled to better jobs, higher pay, etc., which is their cry, but is only subterfuge. There is waste here. Some waste of energy, some might put it, that could be used better in other directions,—such as business management. The Indian knows nothing of efficiency of organization. Here we have a business institution and school combined at least 1/3 to 1/2 of its organization children and its efficiency crippled to that extent, and yet all things considered it is a question of its not being a good investment. Could you have come here with me three years ago last June and seen the condition of management, organization, financial condition and internal relations of plant to town and its home life, then I feel your visit here in 1913 would have witnessed a great change for the better. More and many more Indians learning the value of steady employment. Homes that were hastily constructed, one-room shacks, now the neatly constructed modern 4, 5 and 6-room cottages.

Conditions in home life are so completely altered that they could not be recognized. Dusky in features but white in fashions, living and conduct, in a fair way. The throwing of Indians into contact, socially and industrially, has worked a wonderful change, but it's only in its infancy. It costs something, it may be said, but is it not money well spent? I doubt if there is any tribe in America wherein greater change has taken place than here in the short period of existence of this plant. Normally, of course, conditions are bad. Waste or imperfect organization, etc., exist, but day to day sees a bettering. Some tightening of the machine; some improvement in the effi-

ciency of the operation. The greater part of the work has been done. What remains now is to perfect or pick up the loose threads. Waste has been spoken of; the great pity of it all is that this is true, not as the ring leaders of the present movement would have, but waste in shape of idle Indians, who are led to believe through agitation that the millenium is at hand. New men are to take hold. Good jobs are to be parceled out to everyone; waste not only in wages lost, caused by this unrest, but waste of our efforts to get them to labor and after getting started the lessons lost by having to start all over again.

The time records of these mills show in all these periods the loss of at least 100 Indians, who disappear from the pay rolls waiting for the great change preached, which never comes. Many investigations have been held. It is time something happened once and for all. Either charges are or are not true. The way should not be left open for the future. If things are fairly well, no matter who is on the job, the office should discipline those who are a real hindrance to the progress of the Indian toward industrial self development. Summed up, these men are not at work because they will not work; and those who are working hold out their hands for a work to which they are in no manner fitted. I can comb over the employees of this plant and not find one white occupying a place not absolutely necessary, while it is a matter of record that this year I more than once strained the organization by depending too much on the Indian, in view of the labor scarcity.

Q. What is the past experience of this plant on logging contracts to Indians?

A. This plant's experience on logging contracts to Indians has not been at all satisfactory. The law prohibits the employment of white labor; yet the Indian jobber seeks it at once. He likes to drive round, put on a foreman, time keeper, clerk, instead of handling work himself. Careless of supplies, overlooking the fact it is part of his cost. Our contracts are invariably handed out on a basis of $6.00 per M. We do work for $4.75 per M. Usually jobs are comparatively easy, yet through lack of business management the Indian fails.

The records of this office back this up to the extent of thousands of dollars claims filed against the tribe from old logging days. What success was found in contractor breaking even or a little better was due to the fact that I, personally, supervised their work and accounts. Guaranteed them labor, loaned them supplies and outfit. In fact, financed them. Being notoriously careless in payment of obligations, labor or otherwise, it was necessary for me in each and every instance to handle the work for them. The records here vouch for this.

Q. They also seem to think that they at least ought to be made bosses of the camps in the woods. From your experience on the reservation the last three years, do you think this is practical?

A. This question is answered in part by my answer to Question No. 2. It is not practical, but can be experimented with. We have now Camp 15, white foreman, Camp 16, Indian foreman, Camp 17, Indian foreman, Camp 18, Indian foreman. Over these are the Logging Superintendent, Mr. Brigham, assisted by Mr. Peterson, woods foreman, who lay out work, plan roads and continually supervise in order to hold cost within reason. They log

haphazzardly, not one ever had experience in railroad logging, could not even attempt to build a spur. We are endeavoring to teach them, but they can never attain the proficiency of white men, because lacking initiative, being too far set in lines of old days. Not a single one could be counted on alone to fill the demand of the mill daily, as its consumption demanded. We usually man our camps on basis of 3 white foremen to 2 Indians, after things get going the logging boss taking personal charge of the 2 Indian camps.

Q. How many thousand feet of miscuts have been sawed in the past year?

A. Miscuts sold in business year ending September 30, 1913, 241,140 feet; brought average of $10.05 per M. Total, $2,425.46.

Miscuts in yard end of business, 1913, 251,500 feet. All sold; not yet shipped out; at advance of $1.50 and $2.00 per M over price of 1912. These are some of piles you looked at. Miscuts are principally hardwoods, percentage is about 5/8 of 1 per cent, which is reasonable, I think.

Q. How much wastage was there on your inventory, or in other words, shortage?

A. 415,159 feet shortage, as follows:

| | |
|---|---|
| Our inventory October 1, 1913 | 38,555,148 feet |
| Manufactured during the year | 31,840,896 feet |
| | 70,396,044 feet |
| Sold and shipped | 40,126,035 feet |
| Used in construction | 1,528,870 feet |
| Inventory, September 30th, 1913 | 28,325,980 feet |
| Shortage due to breakage handling and perhaps estimate of lumber in pile. Good part of which is piled all widths and lengths | 415,159 feet |
| | 70,396,044 feet handled during year |

Q. What is your system of selling and collecting? Please answer fully, describing methods of selling the square timber, prices, etc.

A. Under the Act of 1908, products of the Mill must be sold to highest bidder for cash. Sales regulations provide advertisement of the products to be sold. Sales held weekly. Proposals to purchase may be made in form of letter stating species, quantity, grade, etc., desired with price offered. This may be accepted or rejected by board of sales, myself and sales agent acting as such, if the market values are or are not as we know them.

Sales over $10,000.00 referred to the U. S. Indian Office for approval.

Sales may be made between periods if price offered is not less than the best previous bid or is good market value for the product.

Payment must be made before purchased product leaves the mills. Deposit may be exacted if deemed necessary to protect mill at time bid is accepted. I include copy of the sales regulations herewith.

The selling of board timber is conducted strictly on the lines above. Advertisement is made of quantity to be offered, circular letter sent to those in this trade known to be interested, with advice sale will close on a certain day. Bids then canvassed and award made after approval by the U. S. Indian Office if $10,000.00 or over. Specifications for sales—write bidder to

bid for timber made f. o. b. cars by us. Hewed in woods and loaded by the bidder, and made woods and loaded on car by us.

The price accepted is that deemed best for the operation. The last large sale of waney pine board timber was made at a price of $70.00 per M feet, purchaser to make and load on cars himself. A small sale was made this year at $75.00, but as market for this class of stuff is dead this year no large sale could be effected.

Rock elm timbers. Process of sale same as above. Prices offered this year 50 cents per cubic foot, buyer to make and load on cars himself. Prior to this year this class of stuff brought 42 to 47 cents per cubic foot.

Q. What is your idea about helping the trustworthy, industrious Indians to become farmers and give them say seven or eight hundred dollars out of their individual share of the money in Washington to the tribe's credit?

A. I firmly believe that the industrial advancement of the Indian demands that he be given financial assistance to better his condition. He can only learn the value and uses of money by the actual handling of it himself. Trustworthy and industrious Indians should be assisted by placing to their individual credit a certain sum of money which they could invest to improve business, farms and home conditions. While it is true at present that the farmer here may be helped to the extent of $600.00 by a loan from the tribal funds which he must repay in 4 years, he acquires no practical education in the use of this money because he does not have the actual disbursement of same.

Every Indian should have the opportunity, if his stage of competency warranted, to have at his command under supervision $600.00 in cash with which he might make the effort, whether that be in purchase of tools and equipment, stock, building of house, barn, etc. As it is now the Indian is struggling to farm 5 to 60 acres, as the case may be, often with no team; agricultural implements the simplest, such as plow and cultivator. No proper buildings for housing the produce he raises and no means to add to his stock or equipment. As a result, even the results of his meager effort in scratching the soil, no matter how bountiful, are often wasted through lack of means to gather and store them, while if in possession of the simpler proper equipment, fair buildings, a larger and richer harvest could be made, with the Indian that much nearer the self-supporting stage. Even the most advanced Indian would have a reserve fund to fall back on to purchase seed in the event of crop failure or to tide him over unforeseen emergency, thus preventing him from hanging the mill stone of debt around his neck (which it will take $200.00 for one Indian to overcome).

Q. There seems to be a great desire of the tribe to have a portion of this money. If the Government should give every Indian on the reservation $500.00 of their money, in the usual way, what method do you suggest of conserving this amount, taking care of that portion of it given to minors, and men addicted to the use of liquor, etc.?

A. By all means, give the Indian, or place to his credit in bank, $600.00 of his money, to be disbursed under the Individual Indian money plan. It is a very simple matter to conserve this. The Indians could be divided into classes,—those requiring no supervision, those requiring partial supervision, and those who would waste their resources. Checks could be made against waste very easily. For instance, Mr. Indian has $600.00 to his credit; he comes to the office and applies for $300.00 to purchase plow, cultivator,

wagon, harness, cows, or any articles within reason. If a competent Indian he could submit bills showing purchase and produce them; if wisely spent he could be congratulated. He could be advised of best market and best articles; if necessary he could be accompanied by an advisor. If the second class Indian desired say $100.00, he could be allowed to purchase under office supervision. As he demonstrated his ability to handle his money he could be advanced.

While for the Indian who would waste or misuse, the needed articles could be purchased for him and an endeavor to advance him could be made by an apprenticeship or record taken of him as to his industrial earning capacity. In all these cases advances or reductions could be made as the case demanded.

The Industrial Indian Money regulations cover these cases only that the strings should be loosened by allowing the agency office more leeway in granting of allowances without reference for approval to Washington.

Q. What do you think of the idea of selecting four or six of the highest grade young men on the reservation and sending them to Wisconsin Agricultural College at Madison to take a full course in Forestry and Agriculture, that they may come back to the reservation and teach all those farmers that there are, or will be, the proper methods of farming, raising and care of stock, etc.?

A. The idea of selecting a certain number of the best young men of the reservation and sending them to Madison is a thoroughly practical one and of far reaching effect in helping settle the Indian problem. Education is the way out. The burden of complaint of the product of the higher Indian schools is that there is no opportunity for a higher practical education. First principles are instilled, but of scientific knowledge that could be put to expert use there is no way out. Just enough is gone into to give the Indian a desire for a finished education An agricultural and forestry course for the Menominee Indians could not but result in untold returns for this Indian. Natural resources are in the soil and in the timber. It would be a practical direct method, multiplying Indian effort untold fold. The harvest of such an idea put into effect cannot be told.

Q. What is your idea about the advisability of having the entire reservation thoroughly examined, and timber upon it estimated, showing the quality of land also, in each section?

A. Sound business sense demands that the resources of any affair should be as accurately determined as is possible. No working plan is sound unless so done. I am on record in this office advocating and recommending (see my letters of office dated May 19th and April 5th, 1911). It should be a cruise by practical men such as the modern lumberman employs. There are 5,760 forty-acre tracts on the reserve. Good cruisers should make 16 forties a day here. Cruise should embrace topography, character of soil, and natural resources of the reserve. A working plan was laid out for here, but for some reason was overruled. I have the opinion of expert men that this procedure should be undertaken at once. The information would be of untold worth to our business, to the agency and to the Indian.

Q. I understand that the snow went off earlier than usual this last sring. Is that true? If so, was it any hindrance towards cleaning up the logs cut during the season? Have there been any efforts made during the summer and fall to skid such logs, getting them ready to haul the coming winter?

Are there any logs left,—if so, what quality and amount,—that have been cut during the seasons of the winters of 1910, 1911 and 1912? Is it possible to get any that may be left to the mill? Was there any effort made to keep those that were left from being wormed by the worms?

A. Our records here show heavy thaw which did away with all sleigh haul the first week of March, 1913. Prior to this there were thaws which made it necessary to cart snow for bad places. Days were frequent in which only part of a day could be used. The freeze during the night would be overcome during the day by the sun. This necessarily caused a hindrance to perfect clean up of winter's work. Again, it left logs in pot holes, covered by snow on the low, moist places where they could not be reached.

In spring pine logs were peeled and skidded. I think it is a fact that a bare half dozen logs escaped these efforts to protect them. Again, it must be remembered that these logs are in the midst of a live operation. Such logs as left after sleigh haul would be taken if in reach of summer's logging operations and if not possible for this would be taken in the first of the coming winter, as winter logging will start in where last winter's operations left off. I hand you a map showing in legends the various camps worked from 1910 to date. Here are marked the approximate spots in 0 where logs lay that committee showed your men.* You will notice in each case that same are on the very edge of each season's works. This stuff all shows in territory of Camp 15 low cutting. It must be also remembered here that Camp 15 was built in 1912; its work was planned to extend over the east half of Section 16 to and including 15 and the south half of Section 10; when well under way instructions were received on January 1st from U. S. Indian Office that pending a suit to be entered in U. S. Supreme Court during this summer to decide ownership of land, no timber was to be cut. This caused a complete change in work of this camp. Its work had to be shifted in other directions. It must be remembered that the mill cuts up a certain quantity of logs every day.

Hauling in heavy snow over railroad is tough work. Shortage in labor which was a fact during the last year and a half means every available man to be placed where timber can be got, to keep the mill supplied. The emergencies at the particular moments must be held always in mind. Cost of taking out individual logs, deterioration, if any, if permitted to lay for a period, cost of peeling, skidding up to prevent deterioration, all must be weighed and counted for the best interest of the operation. There are some logs left in edges of last winter's work that will naturally be taken this coming winter that could not be reached in summer logging except at too great a cost.

This winter's work will care for such logs as were viewed by your men, which are on edges of cuttings of past works. Camps 15, 17 and 18 will take the stuff. The year 1910 witnessed a great fire here, roughly designated in map. Portions of this territory had been frequently burned over prior to this year, the operation commencing winter of 1910-1911 was to put camps in and save what valuable stuff we could. In the meantime we had to go to Washington for legislation to build railroad, which was obtained finally and June 14th, 1911, saw the first logs going to the mill. There was considerable burned in 1910 and year previous, such as would pay was taken.

It must be remembered in 1910-11 and up to October, 1912, prices on

*It was found impracticable to print Mr. Nicholson's map.

hemlock were such that it was difficult to realize bare cost of manufacture, ranging from $5.50 to $7.00 on No. 3 and other grades, correspondingly, to after October 1, 1910, to $13.00 per M. Market is now failing. Such hemlock as would not pay was left. It was not a great amount. It is at the south and west edges of cutting of old Camp 12 and south edge of old Camp 11. The good stuff here will come in this winter. We took some in 1911 and 1912. I am inclosing you scale of logs found in woods by our men with notes of their actual conditions. These are the logs which were pointed out to justify the charge of "great waste." They are all there are. A comparison of descriptions of land on which they are will show them in the very heart of the present works. Some have been decked as witnessed by your men and note should be made here that this work was a legitimate part of the works, not an effort to hide anything as was endeavored to be claimed, because it was not known that any one was to look at them or that any "much ado" was being made about them. In fact, we knew nothing of the prowling around of any one to discover so-called waste. Hewn square timbers, two or three, were pointed out as waste left. I would have you know that our books show every timber paid for whether taken or not, and even these left will be taken in by us because abandoned by purchasers with added profits to us.

Again, that any damage resultant from square timber cutting was charged and paid for and our books show the money received and deposited. Again, it was pointed out that the pine fallen was all cut by square timber men; this was not so. Our own Camp 15 cut the greater part of pine as report shows. It couldn't be taken on account of condition of the ground due to early break up of winter and change of camp's scene of work.

Q. While there I told all the Indians I came in contact with what I was going to recommend. You may tell them that I shall also recommend that each member of the tribe be paid the sum of $500.00 out of their tribal funds in Washington, but I shall frame this with the original idea of advancing money to men who will clean up the land and go to farming. Those men should have an additional sum of $300 to $400 to be charged to their individual share of the funds remaining in Washington. What is your opinion on this?

A. The advancement of money to Indians from the tribal funds for the purpose of encouragement along agricultural lines would be a splendid thing. Legislation may be necessary; if so, it should be obtained at once. Something should be done to put the Indian on an independent basis. I might as well bring my boy up to 42 years of age, not permit him to handle a cent, buy all his necessities, do all his business for him, not let him know anything of the responsibilities of life and then turn him loose. Think you that he would make the average citizen or that he could then go on, competent to perform his share in our world's work?

Each Indian is entitled to a certain share of the funds on deposit in Washington. In addition, he has practically a source of perpetual income here. If he is ever to handle same a start should be made. This start taken with men who in a limited way show desire to reach higher heights should obtain results.

Q. In the contracts made for lumber and pine in the tree, were those contracts let strictly in conformity to the rules of the Department for selling lumber at the mill?

A. Contracts for waney board pine timber and rock elm timber have

always been made in strict conformity with rule of the Department for selling. Note in proposal sales was sent to every one known to be interested in this line of product. A weekly advertisement is carried in lumber trade journals and a large bi-monthly advertisement that sale of products is held here. Bids were received from the known purchasers of this class of product. They were opened on a selected day and award was made to the highest bidders, as our records will show.

Q. Will you be kind enough to give me a little synopsis of your method of taking care of the old, sick and young Indians who can do nothing for themselves on the reservation; is there money appropriated for that, etc.?

A. Any Indian, old, sick or disabled in such manner as to be unable to provide for him or herself on report to the agency office, and if possessing no immediate relatives or friends who will look out for him, can be put on ration roll and receive two weeks' rations of flour and pork enough for subsistence for this period and even if with relatives or friends this allowance can be made. Under special authority, clothing can be issued for their comfort as well as other necessities. Two physicians are continually on the rounds, as well as an Indian policeman, 3 farmers (white), each having a district of his own and a field matron. All required to note and report and aid in deserving cases.

In cases where there are no friends or relatives, we have a hospital which takes care of cases of this kind. In cases of children, orphans, they are placed in schools, Government or mission as is desired, where they receive clothing, food and quarters, etc. Those with diseases are sent to hospital for care and treatment. In case of first steps of tuberculosis, if consent can be secured, they are sent away to recently established sanitariums for special care and treatment.

Notwithstanding all this, it would be better perhaps if this class of Indian had set aside his share of his own funds and were permitted to live out his life in his own way, in his own home. Naturally on removal to hospital in many cases, the Indians feel the separation and absence from their own settlement and homes; of course, there are cases where separation is justifiable and really should be enforced, in protection to lives of others with whom they might come in contact. In many cases we find persons of this helpless class, putting up with poor food, poor clothing, etc., and loss of many comforts they could obtain if they had money of their own to prevent separation from friends and home.

Q. We understood while at Neopit that the season broke up very early last spring. How much earlier than usual and what effect did that have on temporarily leaving logs in the woods; how many feet of logs have you cut since you took possession of the mill; give me this by seasons please, 1910-11, 1911-12 and 1912-13?

A. Our winter logging season of 1912 and 1913 broke at least two to three weeks earlier than usual; thaws developed in the latter part of February that made sledding hard and on or about March 4th a heavy thaw set in that carried the snow away and softened ice in swamp and creek that made work dangerous and impossible. We can usually count on work for clean up, etc., up to latter part of March, even at times after April 1st. A let up on sleigh haul of two weeks, a week, even several days in case such as this, can result in leaving of logs in woods in places preventing skidding out and in others

preventing sleigh haul. Start of winter has something to do also with conditions at end of winter. If the hard frosts come early enough to well freeze the ground before snow falls, naturally thaws at end of winter do not have much effect; ground remains frozen longer. Last fall we had a freeze up, then a spell of soft weather, opening up things again, and in December the snow came covering the ground before it had a good chance to freeze. Naturally this spring the melting snows had much less distance to work down to open up ground and in moist, swampy places thaws practically opened them up at once.

I am inclosing herewith statement of logs cut by species and camps during seasons of 1910-11, 1911-12 and 1912-13.

Q. Give me your version of the trouble that has arisen on the reservation. How many Indians have been interested and what have been the characters of those that have been fomenting this trouble and has there been, to your personal knowledge, any white influence brought to bear?

A. Your question is in a way a hard one to answer. There is, and always will be, trouble with a certain class, because in a way there is no discipline that can be administered, while the office permits itself to be deluged with complaints of any nature, investigates them and then fails to rebuke severely those responsible, if, after due investigation, it is found that there are no reasonable grounds for complaint. As long as any half dozen dissatisfied and unscrupulous are permitted to continually roam around making capital out of anything they can pick up—make up or distort into a something that will answer their purpose—no trouble can be had in acquiring a following.

The trouble of to-day, the culmination of a series of complaints, started about April or May, 1912. It was engineered by Oshkenaniew, Prickett, McCall, Tucker, LaBell, Gauthier and several others. Prickett has always been restless, but amounted to nothing until joined by Oshkenaniew. The others simply trail along or are handy tools as the case may be. Since the doing away of the old business committee of 15 at time of visit of Senate Committee in 1909, or thereabouts, for crookedness in tribal matters, those members always longed for a return to the old days of easy money, etc.

My attention was directed first, in this connection, to a complaint handed in by them while on a trip to Washington in 1912, as above mentioned. Again, through the secret influence of outsiders being exerted in here against the operation and the superintendent, myself.

But to start from the commencement. These people could not have acquired any influence at all had it not happened that in 1912 it was found that owing to their interest money having been all used up in payment of annuities for the several years previous, and for the legitimate expense of the agency, schools, etc., there was no available surplus that could be set aside to make a payment. Oshkenaniew, Prickett and his kind immediately set up a cry that money was all wasted and spent and were aided in this by interests outside opposed to the plant and the administration of Indian affairs here. It was proposed to send a delegation to Washington, D. C., to look after their interests. They went, aided by a substantial collection furnished from outside. I know personally traders in town who contributed, because they told me so later. Prior to this I had found that the Menominee Indian Mills had used to pay labor a sum of approximately $125,000 of interest money, which I claimed should have been taken from the fund itself direct, as authorized by law, and that this money should be replaced to interest credit. This was

done prior to start of the committee to Washington, D. C., where of course they accomplished nothing, but did claim on their return that they had got back a large sum of money and that payment would be made, etc. This gave them a footing; ever since they have added to it. Without their ever having examined the books of this mill they charge fraud and waste. In spite of official letters from the office and from representative in Congress checking up the office they interpret to the other Indians wrongfully, saying it is proof, etc.

The Indians say, or are told, that Mr. Hollister of Oshkosh, who has passed through this reservation a number of times, has told them that they are not getting half enough for their lumber. He is quoted as saying that the big pine being sold is the cream and should bring $125 to $150.00 per M. and other species correspondingly. That the cutting of this timber is robbing the yard, etc.

One of the many things I instituted on my arrival here was the prohibition as set forth in regulations prohibiting any one trading with Indians to come on reservation while a payment was going on. They had been in the habit of appearing at agency and when check was about to be handed over to Indian, take same and give the Indian so much credit on old account or new. Naturally, they did not like this.

Another thing was the so-called traders' claim referred to me for investigation and approval. I recommended against its payment and this was sustained on appeal to the highest authority, the Indian Office, office of the Secretary of the Interior and even to the Comptroller of the Treasury. They even petitioned Congress for legislation to pay, but it was denied, although later they did get through a bill permitting the matter to be referred to the Court of Claims for review, where it now is.

These claims consist of supplies furnished to Indians for years back. It was claimed, but I could not find Indians who could say they ever received same or if they did double and triple prices were charged and in no case could payment be found as a credit, although the Indian claimed he handed his checks over to them. Included also were the claims of the logging contractors on the blown down district jobs in 1905 to 1908. You know some of its history. Contracts were given to Indians. They were permitted to take in white partners. In some cases double scales of timber cut were made; in others, they failed to live up to contract at all, the easiest work was done, green timber cut. The white men supplying charged up all kinds of supplies, expenses, etc. The Indians got nothing. It all resulted in the Government sending in special men who went over all the works, checked up accounts and withheld payment of enough money to pay for violation of contract, etc. These men appealed to every source, brought suit which was thrown out of court, etc. Heading this crowd was one man named Cook, notorious in this county for timber operations. His headquarters in Oconto. Mr. Tyrrell is his personal attorney. Mr. Ballinger, the Washington representative, was selected at that time, I suppose, because of supposed influence with his uncle who was Secretary. But the same Secretary has sent me on the job out here.

A year ago a hearing was held in Shawano to take testimony of Indians who were partners. Ballinger and Tyrrell were both there representing Cook. Strange to relate, and I have it from pretty good source, Cook had bought up the greater number of claims. Many Indian partners hitherto opposed were found in favor, because a share was promised to them, if any money was

recovered. These attorneys also learned that the Menominees had certain interests at stake, such as the Disputed School and Swamp Lands, claimed by them, and at once became hungry for large fees as attorneys to represent the Indians. Mr. Ballinger approached me while in Washington, so I know his interest. I have simply opposed them and in the meantime have been instrumental in having suit brought in U. S. Supreme Court for test and am now waiting decision.

This brings in another element. The Enabling Act for the State of Wisconsin set aside Section 16 of the public survey and all swamp land to be used for educational purposes by the State unless those lands were otherwise set aside. The Menominee Reserve was created before the State. Attempt was made to extinguish the Indian title by treaty, which was never accomplished. By error in giving patents for other lands, patents were also issued to State for certain lands within this reserve. Lumbermen discovered they were valuable for timber and bought them from the State.

They cut on some and were stopped later in cutting on any. They have sat down awaiting the time if nothing was done, when these lands would fall into their hands. Naturally any agent who is looking after Indian interests and took steps to protect the Indian right, would be disliked. It seemed the practice of old days that the white got all he wanted in here and no reason could be seen why this policy should not continue. I changed it somewhat. After efforts to get decision or actions to determine ownership, which resulted in nothing, I started Camp 15 on Section 16 and prepared to cut, well knowing that these lumber interests outside would be compelled to go into court to stop it or yield up their claim. They went into court where, I think, they lost. At any rate, I have this to go on: There is on the calendar of the Supreme Court of this State a test case which has been on docket for years, but which is continued along each session, because these people feel they would lose even in their own court. Naturally, I have antagonism of these persons concerned on the outside, which is considerable.

Again, there are the Stockbridge land cases. Patents in fee were given to these Indians in 1910, under this agency. Prior to the delivery of patents certain lumber interests in the county around here went to the Indians and for $100 or $200, usually handed out in silver dollars, secured a deed and promised to turn over patents when received. You can imagine what this sum of money meant to an Indian who had been accustomed from childhood up to receive $2.50 from the Government per year as his interest money.

Enough that they sold for a song, or in cases were so drunk they did not know. I held these sales prior to date of approval of patents illegal. The Department so held, I was instructed to bring suit to set deeds aside, which I have done, and this month case comes off in U. S. District Court, Milwaukee. This compelled those lumbermen and land grabbers who took in forties $5,000.00 worth of timber and then not completely cut over to run around to secure new deeds. In some cases it was arrived at by questionable methods, but in most the Indian received added compensation. Naturally all this did not make any very good friends for the superintendent here. These are the principal cases, outside the fact that a sincere and successful attempt is made to make this mill pay, which some interests think should not be done, and which nothing has yet been shown me could not have been done from the start. I could name endless little things that all tried to make the present superintendent a very undesirable person to be on the job here.

The head and center of the present kick are a certain half dozen. Prickett is now the nominal head, Oshkenaniew has been the chief brains, but within the last few days he has dropped away. Backing these men up are L. LaFrambois, Joe Longley, F. S. Gauthier, Alex. Kaquatosh, Tom LaBell, McCall, Paul Tebeau, who are the real heads. Their following numbers perhaps 60, possibly 75. All of these attracted because of resentment to the agent for punishment of offences against law and order, whether it is liquor, trespass or enforcement of payment of just debt; with exception of Gauthier and perhaps McCall the ring leaders are all late comers in the tribe. As one Indian puts it, those who took their interest and money out of tribe in 1849 resided away where they made a failure, learned the tribe had gotten wealthy, come back now for re-enrollment, tell how successful they were away, want land and funds divided up again to be on their way again successful, so that they will again have to come back and live on us. They are all part bloods nearly white, the undesirables of the reserve, always on the lookout for easy money to be made without work and evidently successful.

In my years here, I have felt after each putting forth my efforts for the protection of the Indian property or interests, the added influence of the outsiders effected. While not actually having the facts in my possession about money being paid to certain ones here—I know it. I know of conferences in Shawano and here, which Mr. Tyrrell has attended. It is coincident with Mr. Hollister's appearance on the scene on or about the same time. I know that these Indians have had the counsel of certain attorneys in Shawano, who are the attorneys of the certain lumbermen effected. For instance, only today Mr. Tyrrell visited Shawano, met a Mr. Derosier, a part blood Menominee (not member) and received from him $200.00, for which Tyrrell in turn gave his note indorsed by someone else in Shawano who was well enough known to have it taken at First National Bank, Shawano, the head official of which, by the way, is one of the claimants of land here and its stockholders more or less interested.

The ostensible purpose of this $200 is that it is to be used to send Mr. Tyrrell and certain witnesses to Washington, D. C., to head off any unfavorable report. I know, and there are witnesses here, who know of Derosier's going to Shawano on Saturday to arrange for money. I know that on Saturday Mr. Prickett 'phoned Mr. Tyrrell to be in Shawano today, using words to this effect: "Meet me in Shawano Monday, everything all right, it will be there," and this P. M., Mr. Derosier in this office admitted he had loaned Mr. Tyrrell $200.00 on interest and admitted putting note in bank duly indorsed, but said he did not know who indorsed note.

The story given out is that the Indians are to repay the money to Mr. Tyrrell and he in turn take up the note. I have not yet examined the register of hotel—perhaps I can get later from bank the evidence of note, if it is there, and dates of conferences of past with names on register. I have felt at times the unfriendly influence of the W. & N. R. R. exerted through Indians who have always been in their seeming employ because I was instrumental in turning down a bill for several thousand dollars charges rendered covering usual wear and tear on car service on their flat cars, while engaged in hauling logs here at commencement of operation, and also the cancellation of a contract which compelled the hauling annually of not less than eight million feet of logs over their road at $1.00 per M, figuring I could do it for less money, and now actually do at 35c per M.

I know when men can go around spending money, who have no visible income, that someone must furnish it. I know that Hollister has in his employ the husband of a member of the tribe who has never lived here. His name is Edick. He is their foreman or superintendent. I know this man's brother-in-laws, members of the tribe, are here; one of them, Tourtillottes, was a former employee in old days at this agency, but was dismissed. I know that nothing goes on here but that these people furnish information outside and have felt their influence in opposition in here.

I know that all these same interests in the past have caused the sending of complaints through Senators LaFollette and Stephenson, which personal interviews on my part with office in Washington have set straight and caused every one to keep hands off. The change in administration gives them new life. Now instead of last administration influence being sought, it is the present Congressman Konop's hand is plainly seen. It is announced by Indians that Oconto has a candidate who is to take charge, etc. Mr. Frechette and some Indians, Gauthier and others visited Oconto, met Mr. Konop, so they announced, and received his word that a change would soon take place. The name of the man is *Douglas Burns.* I am told a former sheriff of the county, woods cruiser, etc. Back of him I can discern the same old interests, who are always trying to get a foothold here, Oconto, Marinette, Oshkosh and Shawano interests.

But my story is no new one. Around every reserve are the same pernicious interests, always striving to get at the Indians' natural resources. I was not sent here in the interest of anyone, but those of good administration. I was selected because of certain things I had performed in the past. It was known no one could get to me. This place prior to my coming had been a hot bed of corruption and mismanagement: that is its record. I was sent to clean up and I shall continue to do so.

Under my first administration about eleven thousand dollars was compelled to be repaid to the mills for lumber stolen and some lumbermen escaped narrowly going to jail. Work on lines such as I name is continually going on. Naturally those concerns have no love. If someone came in who would sleep on the job, how pleasant all around would be the condition. With me out they think their goal would be reached. How little they know I have been here long enough to have acquired some real liking for the real Indian. It would be real pleasure for me, free from the outside work, many times harder on my own time and resources, to prevent the Indian being any longer robbed by his unscrupulous red or white brother.

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## Affidavit of Mr. A. S. Nicholson:

NEOPIT, WIS., Jan. 9th, 1914.

TO WHOM IT MAY CONCERN:

I, A. S. Nicholson, hereby certify on honor that the information given and report made by me to Hon. Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation, are true and correct to the best of my knowledge and belief. Figures of record are copies of certified records of the Neopit operations, and other

information is obtained from sources which are creditable and upon personal investigation by myself and reputable employees here.

(Signed) A. S. NICHOLSON,
*Supt. Menominee Indian Reservation.*

Declared to before me this 9th day of January, 1914.

[SEAL] H. C. D. ASHFORD,
*Notary Public.*

My commission expires June 20, 1916.

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## EXHIBIT 29A.

Copy of correspondence between Mr. Edward E. Ayer, and Mr. A. S. Nicholson, Neopit, Wisconsin, regarding the railroad facilities at the Menominee Indian Mills.

CHICAGO, December 4, 1913.

MR. A. S. NICHOLSON, Superintendent,
Menominee Indian Mills,
Neopit, Wisconsin.

Dear Mr. Nicholson:

I was not satisfied, while I was up to your place, with the railroad facilities there. A road practically without cars and two rates on everything must make it very expensive and very dilatory in handling your business there.

I feel quite sure we can get the North-Western to build over from the west: it doesn't, from the map, seem to me to be more than eight or ten miles, and this would mean but one rate to all over the country, saving practically the entire rate paid to the road that is now there.

Please write me fully, explaining just exactly how much rate they get, etc., and what you consider the extra cost of handling a car; and the way it ought to be if we got the North-Western to come in there, when they would take the North-Western rate to all competitive points.

I don't know whether we could do it or not: I am going to find out what the rates would be, and I think it would be a substantial saving on the cut of the mill.

I am going to make this recommendation in my report and you can so notify the Indians: I think they would be glad to know of any recommendations that would make them any more money.

Yours very truly,

EDWARD E. AYER.

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NEOPIT, WIS., December 8, 1913.

HON. EDWARD E. AYER,
Chicago, Illinois.

My Dear Mr. Ayer:

Your letter of December 4th, regarding our railroad shipping conditions here.

I am glad you bring this subject up. Our position is, briefly, as follows: We are situated on the line of the Wisconsin & Northern R. R., a short independent line running from the town of Shawano, northerly to Van Ostrand, a point 4 miles north of our reservation line with no outlet or railroad connection there. In Shawano the W. & N. R. R. has switching

arrangements with the C. & N. W. R. R. This road has two old engines, 2 passenger cars, a caboose and some flat cars with perhaps several box cars. It has to depend entirely on the C. & N. W. for supply of cars to handle shipments.

Its freight north from the south will approximate several cars per day. Its freight out from here would average 17 to 20 cars per day. It picks up occasionally some cars from Morgan Siding below here, and Gresham. Our freight service is one train daily; combined with passenger service, two trains daily. To Neopit from Shawano, 7 a. m. and 12:30 p. m., and from Shawano to Neopit, 9:00 a. m. and 3:45 a. m. when on time. Passenger rates, 4 cents a mile; local freight rates on same basis, while on through freight on lumber products we get same rate as from Wausau Point and North-Western line, namely, 10 cents per 100 to Chicago and other points correspondingly, except to the north and northwest.

Our great handicap is car service. Perhaps the C. & N. W. does not wish to favor this line, which rumor says is ultimately destined as a feeder for the "Soo Lines"; but this we do know,—that many times we have taken matter of car service up with the C. & N. W. agent at Green Bay and he has said that plenty of cars were turned over to this line. In cases we have known cars to be sent in and refused, the W. & N. R. R. saying that they would do the ordering and not us. It seems to be their practice to scale down the number of cars we want, and in cases we have known that cars intended for us were diverted to Gresham, Morgan and Phlox. The C. & N. W. found this out themselves when they sent cars here for ties that never arrived. Their man, going over the line, found cars at other points. Freightage in of course is very bad. Excess freight has much to do in adding to cost of supplies. Shortage in cars necessarily results in cancellation of orders, as customers have to purchase elsewhere.

In 1911 Mr. Ashton, Vice-President of C. & N. W., took up matter of their road coming in here and have engineer and several others make a preliminary trip across the reserve. A line was run starting about at Underhill, thence westerly to Keshena, then northwesterly to Neopit and north to their line. I cannot see whereby it would not be a paying proposition for the C. & N. W. as well as excellent business for us.

Here is a product of millions in the rough for years to come. Manufacturers to ship for the same length of time, not counting other developments. Outside of lumber, ties, posts, poles, pulp wood, firewood could be shipped. Some things impossible to handle now. Whether the line comes in from Mattoon to Neopit and thence northeast to Breed or, as the preliminary was made, it would be good business all around.

With the North-Western in here, we could get fair rates north, east, south and west; save delay in shipping in and out through transfer having to be made; obtain car service, which is the important item; and prevent lost sales and send to the markets of the country some products which we are long on and now hardly pay to make but which should be a revenue producer.

While on this subject another thought is presented as to a handicap here. We must have cash in hand before shipment. We wire for money when car is loaded. Demurrage is due after second day. We must pay if our fault. Shipper kicks if charged to him. If reasonable credit could be given, car permitted to go out, this would be overcome. It is a handicap in getting some firms to buy here. The tribe in the past has gone on record in favor of allowing the Chicago & North-Western R. R. to come in. Whatever could be done on this line must be quietly as it is very easy for any opposition

to readily get hold of members here to manufacture sentiment in opposition. The W. & N. R. R. would certainly take a hand.

Concerning present sales regulations, I find an amendment to law is necessary. The Act of March 28, 1909, Section 3, reads:

> Section 3. That the lumber, lath, shingles, poles, posts, bolts and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other materials shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of four per centum per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

If this wording were changed to read,

> Section 3. That the lumber, lath, shingles, poles, posts, bolts and pulp wood and other marketable materials so manufactured from the timber cut upon such reservations *shall be sold in the open market, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe,* etc.,

this would permit regulations to be framed that would permit of business being performed under conditions nearly on a par with any modern concern. The possibility of loss would be little, a selected credit list could be established, which would result in payment within say 10 days. Cars could then go on, knowing checks were en route in mails, etc.

Respectfully,

A. S. Nicholson,
*Superintendent.*

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## EXHIBIT 29B.

Letter from Mr. A. S. Nicholson, accompanying map, dated Neopit, Wisconsin, Dec. 22, 1913.

Hon. Edward E. Ayer,
Chicago, Ill.

Dear Sir:

Replying to your letter of December 19th, I inclose you herewith a map of logging showing cut district by years in various colors. I have marked on line of our railroad in thin red ink line route taken by party headed by Mr. Holland.

It is well to understand the problem confronting us at end of summer, 1910. Prior to this we had been cutting west of Neopit. In the summer of 1910 occurred the big fire northeasterly from Neopit, over sixty million feet of timber being burned, a large per cent of which was pine. There was no way of getting it to the mill. We had to go to Washington for legislation to build railroad.

There were no roads through. We started to work October, 1910, to build camps, cut a right of way over to this district and log the timber.

Early in 1911 bill passed permitting railroad to be built. We started at

the nearest point on the W. & N. R. R. and built railroad over to burned district, and on June 14, 1911, hauled first load.

It was a question this year of saving the most valuable stuff. We logged during year 1911 and 1912 on sites of Camps 11, 12 and 14. During this time we had to pay trackage charge of sixty cents a loaded car to the W. & N. R. R., which was about twenty cents per M. I asked the Department for permission to extend railroad into Neopit direct to save this charge and finally received permission to build; and last winter, end of December, 1912, the first logs came in over this road straight to Neopit, from Camps 14, 15 and 16. Camps 11 and 12 had finished their cutting northerly. Of course, in view of this fact, nothing could be done during this summer. Nothing could be done except log along line of the railroad.

Mr. Brigham and Mr. Crowell, under my instructions, went over every part of past operations on line of our railroad, skirted logging districts of 1910, 1911, 1912, and this past year, with instructions to scale everything merchantable, locate the forties same was on, and whether same could come to mill or not.

It is well to bear in mind the fact that where square timber men made last winter they received permission to cut along line of the railroad into Neopit, so that we could pick up behind them as we came along. Such logs as were found were in main on edge of cuttings, where they can be taken in in present work.

Another thing that should be considered is that on June 30th I lost service of logging superintendent. He was suddenly taken ill and had to be taken to hospital, Milwaukee, where a serious operation was performed, he hovering between life and death for weeks. He finally resigned from service altogether at end of July. Washington did not send me new man until October 9th, although I took matter of successor up with them at once.

You can understand what this delay and change meant also. I had to carry on the work alone and necessarily it perhaps dragged a little, helped also by the extraordinary shortage of the labor situation for year past.

In spite of everything, I am confident that our woods are as well cut, well cleaned up as can be reasonably expected. I mention the above incidents as it would not be fair to both logging superintendents to criticise them. The old one had his own plans and Mr Brigham came on the job some time after the other left without really knowing what was on his mind for future plans.

Respectfully,

(Signed) A. S. Nicholson,
*Superintendent.*

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## EXHIBIT 29C.

Letter from Mr. A. S. Nicholson, Supt. Menominee Indian Mills, regarding the promises of Attorney Tyrrell to the Indians; letter dated Neopit, Wis., January 3, 1914.

Jan. 3, 1914.

Hon. Edward E. Ayer,
Chicago, Ill.

My Dear Mr. Ayer:

Replying to your letter of January 2d, on promises of Attorney Tyrrell to

the Indians, the best information I can get is, of course, talk amongst the Indians generally.

They have told the Indians that there is all kinds of waste here and to effect that their money is, or will shortly all be used up. That this is the reason why their interest money is not being paid to them in shape of annuities.

They claim to be able to secure reimbursement to the tribe of approximately one-half million dollars claimed to be lost, through what is known as dead and down operations.

They claim to be able to secure reimbursement to the tribe for timber cut by Stockbridge tribe at the time of their temporary occupation of the Menominee lands pending the arrangements for purchase of two townships from the Menominee tribe.

They claim to be able to secure to the tribe Section 16 and the swamp lands claimed by the State of Wisconsin under the Enabling Act notwithstanding the fact that the matter is now before the U. S. Supreme Court, which case is on calendar, I believe, for February, the Department of Justice representing the Indian.

They claim to be able to secure to the tribe reimbursement of all moneys paid out for education of the Indian from tribal funds, whether to mission schools or Government, claiming same should be made by direct appropriation of Congress.

They claim to be able to secure reimbursement to the tribe of certain thousands of dollars lost in operations during the three years past. What this is I do not know as it is of personal knowledge to me that in 1911, 1912 and 1913 the operation yielded a profit to the tribe.

They also claimed to be able to secure to the individual Indians who were concerned in logging contracts all money deducted by the Government for waste and non-compliance with terms of the contract. Also payment of what is known as the traders' claims bills, but do not tell the tribe that if this should be done that payment will come out of the tribal funds.

They also claim to be able to secure to the tribe all annuities due them past and future. In fact, they claim to be a cure-all for anything, everything of any nature. It is represented to certain Indians that they will protect them from the summary methods exercised by the superintendent, particularly relating to liquor trespass cases and in fact have taken steps attempting to secure release of Indians, habitual boot leggers, who were arrested on indictment by U. S. Grand Jury. This is a matter of record in this office and that of the U. S. Attorney.

Their appeal has been such as to whet the appetite of the very worst elements of the Indian. For instance, to the so-called pagan Indian, a vast sum of money is to be restored him, annuities are to come along whenever he needs them. This, of course, to him brings rosy visions of not being compelled to seek a living by work, and a dream of easy life and dances. It also affects the other Indians somewhat inclined to be lazy and not work by furnishing them with prospects of easy money to aid in living. It has a certain appeal to the idle and worthless Indian, who makes a practice of subsisting on his more industrious brother, knowing full well that there will be a full larder in which he can participate either in meals or appeal for a loan to tide himself over an emergency.

The effect of the whole is a far reaching one. It is about as follows:—

The Indian has been started on the road of industrial self-development. He is fairly self-supporting Suddenly his attention is drawn to this fact, What, you have plenty of money; it's a crime it's withheld from you. We'll get it for you; you will not have to work so hard. You can take things easier. The Indian, thinking slowly, comes to the same conclusion. The microbes in his blood from long ago ancestors assert themselves. To him his wants are simple,—a little tea, pork, salt, some flour, etc., and once more he can see visions of ideal contentedness. Did he know the value of a dollar, know the necessity of being a producer of something to take the place of what he spent, such preaching might not work much harm. It has been my experience that money placed in the Indian's hands for which he has not labored is a curse. This, of course, excepts the aged, the helpless and orphan and certain Indians materially advanced.

Respectfully,

A. S. NICHOLSON,
*Superintendent.*

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## EXHIBIT 29D.

Questions asked Mr. A. S. Nicholson by Mr. Edward E. Ayer, in regard to the selling of lumber at the Menominee Indian Mills, December 12, 1913.

Mr. Ayer:
Q. How much of the cut of the plant is sold to the small yards direct?
Mr. Nicholson:
A. Less than two million.
Mr. Ayer:
Q. Then the rest is sold to the middleman?
Mr. Nicholson:
A. Yes, sir.
Mr. Ayer:
Q. In your judgment, how much do middlemen make on that lumber?
Mr. Nicholson:
A. Not less than $2.00 a thousand.

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## EXHIBIT 30.

Congressman Konop's letter of December 31, 1913, to Mr. F. H. Abbott.

WASHINGTON, D. C., December 31, 1913.

F. H. ABBOTT, *Secretary,*
Board of Indian Commissioners,
Washington, D. C.

My Dear Mr. Abbott:

As per request I am returning to you the statement pertaining to the Board of Indian Commissioners. I am of an entirely different mood relative to this Board of Indian Commissioners than I was when you saw me. I at

that time thought that this Board of Indian Commissioners was of some service, and Mr. Smiley and you gave me that impression. You also told me that Mr. Ayer, who was sent to make an investigation of the milling operations at Neopit, Wis., was sent there to make a bona fide honest investigation of the milling operations. From the testimony that he has been gathering at that place, and from the acts that he has done over there, I have lost absolutely all confidence in his investigation and I think the investigation is absolutely a farce. I think it is an investigation to whitewash Nicholson of any complaints that may be made against him.

I am sending you a sample copy of some of the testimony that this man has taken, from which it clearly appears that he is not making an investigation of the business operations at Neopit, but is prying into extraneous matters, belittling the complaints and complainants. I want to ask you whether or not in your opinion you think that such an examination has anything whatever to do with business operations at Neopit. This little bit of testimony will convince any man that this man Ayer, instead of being there to investigate matters for the benefit of the Indians, is there to pry into the complaints made and belittle them as much as possible.

Very truly yours,

(Signed) THOMAS F. KONOP.

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## Copy of Mr. Edward E. Ayer's letter of January 8, 1914, to Congressman Konop, of Wisconsin.

CHICAGO, January 8, 1914.

CONRESSMAN THOMAS F. KONOP, Wisconsin,
Washington, D. C.

Dear Sir:

Mr. F. H. Abbott has sent to me your letter to him of September 31, 1913.

The second day that I was at the Menominee Indian Reservation Mr. Tyrrell said to me that you and Mr. Ballinger and he said to Commissioner Sells that you would look with suspicion on any investigation made at the Menominee Reservation by anybody that Mr. Abbott was associated with. This remark introduced me to a type of men that I have never met before, men who would voluntarily insult a Government Officer who was selected by the Commissioner of Indian Affairs and the Secretary of the Interior to make an investigation, before, even, the investigation was started. I immediately told Mr. Tyrrell that Mr. Ballinger's and his opinion was a matter of entire indifference to me and that as for Congressman Konop, he could go to Hades.

I ought not to be astonished at receiving yours of December 31st to Mr. Abbott, and still, I am. You are again insulting the Board of Indian Commissioners, appointed by the President as the advisors of the Indian Department and the Secretary of the Interior.

Under Act of April 10, 1869, R. H. 2039, also under an Executive Order of June 3, 1869, and an Act of July 3, 1870, R. S. 2041, and especially an act of May 29, 1872, R. S. 2042, you can find out something probably new to you in regard to the powers of the Commission.

Of course the motive of Mr. Ballinger and Mr. Tyrrell is well known, that is, to get $8,000 a year for being attorneys of the Menominee Indians. What

yours can possibly be in thus grossly attacking a body of gentlemen who are working without salary, and in some cases much expense to themselves, it is almost impossible to imagine.

I have the most profound respect for the United States Senate and the House of Representatives, but to my mind your being a member of the House only shows that accidents may happen to the best regulated families, and I feel sure that your district, in the grand State of my nativity, will see to it that the accident does not happen a second time.

I am making your letter and my answer to you a part of my report on the Menominee Indian Reservation, and have also had your letter photographed for future reference.* I am also sending a copy of your letter, and my answer to it, to-day to Commissioner Sells and Secretary Lane, that they may see in advance the outside efforts at work to try to influence my investigation.

Yours very truly,

(Signed) EDWARD E. AYER.

*NOTE—My saying to Mr. Konop that I should keep his letter for future reference certainly didn't mean that I should use it politically against him, of course, as I would not do that under any circumstances; and I take pleasure in saying that upon Congressman Konop getting better posted on what was going on in my investigation on the Menominee Indian Reservation and the general work of the Commission, it must have entirely changed his mind because he has been a constant and hearty supporter of the Indian Commission ever since.

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## EXHIBIT 31.

Letter from Mr. Reginald Oshkosh, of the Menominee Indian Tribe, to Mr. Edward E. Ayer, dated Neopit, Wisconsin, January 10, 1914.

NEOPIT, WIS., Jan. 10th, 1914.

HON. EDWARD E. AYER,
Chicago, Ill.

SIR:

In my efforts to furnish you the information and my opinions concerning Mr. D. F. Tyrrell of Gillette, Wisconsin, an attorney at law, who professes to be representing the Menominee tribe's interest, will be similar to that of any other full blood and original member of the Menominee tribe, because the various statements herein contained are obtained through rumors or gossip only that are being circulated among the Indians by Mr. Tyrrell's associates, and not by records of the Menominee Tribal Council as is the custom.

Mr. Tyrrell's solicitation among the Indians as their counselor is being entertained entirely by the descendants of the mixed bloods who withdrew from the Menominee tribe under the treaty of 1849, and who through the sympathy of the generous Menominee tribe have just recently been adopted into the tribe, as well as the half-breeds of the wandering bands who deserted the Menominee tribe in time of need, about the year 1855, and who likewise have been reinstated into the tribe only a short period of time and

from the full-blood and original members of the tribe the inside facts of their real purpose and which I will endeavor to explain later.

We understand that Mr. Tyrrell in his talks to few of the Indians in his several mass meetings with them while he was on the reservation, is that the Government is not conducting our tribal affairs properly under the present administration, and that he would show the tribe that their money is being wasted, both at Keshena and Neopit, Wisconsin, and that he could prevent all this waste by representing the tribe's interest himself and then cause a thorough Congressional investigation which would then result in the removal of the present officials and then he could chose whom he pleased from his party and assign them to the vacant offices.

These actions of his, of course, is only keeping the Indians in a state of continuous uproar and that means no benefit to the Indians; that is what I think about it.

We understand that the contractors from whom the Government deducted certain moneys on "blow down" should have their claims paid. The white contractor seems to be more anxious to have this claim paid than the Indian contractor is.

The tribe does not see no good reasons why these claims should be paid for the following reasons:—

The majority of the contractors were white men, such as Wallie Cook of Oconto, Wisconsin, better known as the Lumber Crook; August Anderson of Shawano, Wisconsin, whom the Government is now prosecuting for defrauding the Government on reservation timber and land, who did undertake to defraud the Government in the scaling of the blown down timber they did cut and hauled to landings. Mr. Tyrrell, who has been telling the Indians for over a year about the wasting of timber on this reservation, is the attorney for these contractors who did cut and left logs on skids that was never hauled to the mills or landings, which can be found all over the blown down district at any time now deteriorating. Mr. Tyrrell does not think it is a waste. If this is not a waste, I do not know what a waste is.

The reason why I have said that the majority of the contractors were white men is that the white men done the logging under an Indian name, and indeed very little, if any at all, did the Indian benefit out of the profits. The Indian paid very few visits to his logging camps; in some cases, I understand, the Indians had never seen their logging camps.

Mr. Tyrrell is prosecuting the Menominee tribe to recover the claims of individual Menominee Indians who were in partnership with these white men in cutting this blown down timber and who did try to defraud the Government on the scale, and in many other ways did not live up to their contracts. I do not see the tribe's benefits in this, since I understand the money that Mr. Tyrrell demands is to be paid out of the tribal funds, I do not know from any other source.

Mr. Tyrrell and his associates are inspiring in the minds of the Indians that one million four hundred and forty-eight thousand dollars of the Menominee Indian money has been wasted in the logging and milling operations under the act of March 28th, 1908 (35 Stat. L., 51), by the present administration.

According to my observations and as far as my knowledge is concerned, in the records of the Neopit office outside of the blown down timber question, I cannot see any waste that would amount to those figures. Mr. Tyrrell

claims to be able to secure a payment to the Menominee tribe on certain claims known as the two-mile strip claim.

Soon after the ratification of the Munsee-Stockbridge Treaty of 1856, a mutual agreement was made by these two tribes with the Menominee tribe, in which it was agreed to exchange land as follows: The Munsee-Stockbridge tribes agree to give to the Menominee tribe a two-mile strip of land located on the north side of T. 28 N. R. 13 E. and T. 28 N. R. 14 E., for a two-mile strip of land located on the west side T. 28 N., R. 15 E., on the Menominee Reservation. While occupying this land the Munsee-Stockbridge tribes cut and sold the merchantable pine timber off from it.

In the meantime, by Act of Congress Feb. 6, 1871 (16 Stat., 404), sold the following Munsee-Stockbridge land, T. 28 N., R. 13 E., and the north half of T. 28 N., R. 14 E. This included the two-mile strip given to the Menominee tribe under the mutual agreement, without their knowledge and consent, and immediately after the discovery of the sale the Menominee tribe demanded the forfeiture of the two-mile strip on T. 28 N., R. 15 E., and vacate as well.

After many years had elapsed the business committee of the Menominee tribe demanded an indemnity from the Munsee-Stockbridge tribes for all the timber they had cut and sold from these lands.

About the year of 1901 a meeting was held at Keshena, Wisconsin, between the Munsee-Stockbridge Tribes' Committee and Menominee Business Committee, to adjust this claim. Each committee was then represented by one of its members while the Government was represented by the logging superintendent of Keshena, Wisconsin, to go over the country and ascertain the amount of timber cut and sold by the Munsee-Stockbridge tribes.

In their report they claim that they found it absolutely impossible to ascertain by whom, where and the amount of timber that was cut on those lands, for the reason that the Menominee Indians have been cutting some timber from the same lands since the Munsee-Stockbridge tribes vacated it, and that the stumps were so decayed and defaced by forest fires that nothing was accomplished.

And the land and money that had been held in trust for the Munsee-Stockbridge tribes by the government had all been distributed among them, and the committee were unable to adjust the matter.

Therefore, I see no way by which a lawyer or anybody else can solve this question.

Mr. Tyrrell claims to be able to restore to the Menominee tribe their title to Section 16 and swamp lands now claimed by the State of Wisconsin, and which question is now before the Supreme Court of the United States. We full blood Menominee Indians doubt very much in Mr. Tyrrell's ability, and we object to his doing anything in the case, for we know no other that is more able to restore our title to us than the United States Government, and which means no expense to the tribe.

Mr. Tyrrell claims to be able to secure annuity payments for the Menominee tribe. We believe this is absolutely unnecessary to go through to the expense in employing an attorney for this purpose only, and at the end have his fees deducted from each one of our shares, when it can be secured by the superintendent of the reservation as it has always been done in the past.

The inside facts of Mr. Tyrrell's real purpose is this:

Paying positions, land, money, timber and other properties of the reserva-

tion that are of any value has been the spoils for the unscrupulous political grafter in the past.

Once more as he gazed upon the tempting magnificent belt of timber on our reservation the unmerciful rich lumberman who has reaped his rich harvest from it for thirty-two years, is not by any means discouraged by the determinating efforts of the Government in lending a protecting hand to its wards against the grafters who are now rapidly losing their grasps with much regret. The methods under which the Government is handling Indian affairs now are poison to the grafter, and they are now using different tactics to overcome it.

First a meeting is necessary to organize properly. Members of the organization (the merchant, lumberman, land speculator, banker and the lawyer) then their course is outlined as follows: An officer must be detailed to the National Capital (Mr. Ballinger) whose duties it shall be to bring to bear all his influence over every department of the Government that has jurisdiction over Indian affairs and over all Members of Congress until their aim is accomplished.

Second officer, the most important, whose qualifications must be of the ruthless type (D. F. Tyrrell) who is to be detailed to the reservation, and his duties are to approach the lazy, shiftless and low-bred half-breeds who are as a general rule easy victims to small bribes, and who are to be the tools (Tom Prickett and others), whose duties are to be to penetrate into the Indian country and destroy the tribe, a protecting power, then preach misrepresentation concerning the management of their affairs by the Government and create dissatisfaction among them, induce them to terminate their relation with the Government as wards and divide the reservation resources.

If this is done then Mr. Tyrrell's real purpose is accomplished. The Indian then is once more an easy picking for grafter.

Will be pleased to furnish any information to you at any time that will mean the betterment to my people.

Respectfully,

(Signed) Reginald Oshkosh.

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## EXHIBIT 32.

I beg to present the views of a gentleman I met on the reservation, who did not care to have his name mentioned, but who had had great experience with the Indians and had thought of the subject a great deal, and who expresses the following views and suggestions:

I do not know of any case of abject suffering among the sick or old or poor, or that they were not helped when in real need, either by their neighbors, or were refused help by the agent. There are, of course, sick people and poor people as everywhere, but the former received rations when old and unable to work and the others were taken to the hospital, if they could be induced to go there. I do not know of any case where a sick person was refused admission to the hospital if the circumstances demanded it.

As regards tuberculosis and trachoma I must say that there have always been cases of both; whether they are on the increase or not I do not know,

as in former years the disease was not tabulated so carefully as now. If the death record among the Catholic Indians shows anything, it shows that the health of the tribe in late years is better than ever before.

Also in regard to intemperance in drinking, quite a change for the better has come the last 5 years or so. It happens now rarely that an Indian is found drunk on the reservation. It does occur, of course, now and then, but never goes unpunished if found out. However, if instead of being deported to Milwaukee to serve their time, drunkards would be made to serve their sentence on the reservation, either improving the roads or clearing land, I think it would be better, especially in the case of married men. The real hardship of the punishment in such cases falls on the family of the drunkard, and his wife is exposed to great moral danger during the absence of the husband.

In regard to the mill at Neopit, I must say, as far as I can see, that it has been a benefit to many Indians, as it gave them work, and several Indians have done very well; they have now decent houses and are working steadily and are making a fair livelihood and are in every way better situated than they were before the mill was built.

I think, too, that every Indian who was willing to work could find work, and if he proved steady and competent, was paid fair wages. The complaint about the mill since its erection was that it takes all the Indians' money and was not making any for the Indians. Of course the construction of the plant was a great expense, but if managed properly it would be bound to make money and return a fair profit on the investment. Perhaps a private concern could run it cheaper, not having to employ such a large office force, and not being obliged to make so many exceptions in employing men and being so restrained in disposing of the lumber.

And now, as to the farming proposition. I am convinced that farming would indeed be the salvation of the Indian and the only way to civilize him eventually. However, the steady work on a farm is not to his liking and he is easily discouraged, if he cannot get the result of his labor right away.

I think that, allotting to every Indian who is willing to farm, 80 or 120 acres, to be his permanent home, and to advance him the money for improving the same, would be a step in the right direction to solve the Indian problem, and to make him self-supporting. The condition, though, of getting additional assistance should be: making new improvements, say, for every acre of land cleared and cultivated advance $20.00 of value thereof in implements, seed, etc., this to be charged to his balance. Also that a certain number of horses and cattle be maintained and food for same raised and stored on the premises.

The officer to look after this work should have authority to compel them to work on the farm, otherwise nothing will come of all the regulations.

It would be good policy and, I think, necessary to advance them money for the work they do on the farm, until they would have 40 acres or so under plow, because otherwise they are obliged to work away from home to get the necessary subsistence and no improvement is possible.

The old, sick and disabled to work would have to be supported as now by rations and annuity. Those working at the mill or at a trade might get help for building a house or making improvements on same; but those able to work should be made to work in order to get the use of their own money. I know this seems unjust, as the money belongs to the Indian; yet if he can get it without work and spend it as he pleases, the result will be that

the Indian will ever remain only a consumer and never a provider, and when his substance is all wasted he will be a charge to the poorhouses. Actual conditions and the experience of many years, I think, are proof enough that money obtained without work is a curse, not a blessing, for the Indian. For, big child that he is, he does not look ahead, but only at what he needs today, and so he wastes his ready money for whatever strikes his fancy and tickles his passion, and thus he grows up improvident and careless, and fruitless as the poor Indian we know today. He will have a good time for a day or two and for the rest of the year he is in need and misery.

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## EXHIBIT 33.

| Logs Cut for Lumber. | Logs and Timber Cut for Miscellaneous Operations. | Feet of Lumber Sold and Used. | Net Profit on Lumber Sold. | Net Profit on Miscellaneous Operations. | Total Net Profit |
|---|---|---|---|---|---|
| July 1-10 to Sept. 30-11: | | | | | |
| 31,071,260 | 639,548 | 27,073,154 | $45,389.60 | $15,147.42 | $60,537.02 |
| Oct. 1-11 to Sept. 30-12: | | | | | |
| 31,504,420 | 1,971,457 | 33,923,618 | 50,926.42 | 33,277.54 | 84,203.96 |
| Oct. 1-12 to Sept. 30-13: | | | | | |
| 33,712,710 | 2,839,980 | 42,070,064 | 42,931.64 | 57,540.93 | 100,472.57 |
| 96,288,390 | 5,450,985 | 103,066,836 | $139,247.66 | $105,965.89 | $245,213.55 |

Net profit to Menominee Indian Mills over and above stumpage.
This is assuming that the Mills bought and paid for the stumpage cut, at the rates shown on statements hereto attached.... $245,213.55

July 1, 1910, to Sept. 30, 1911,
Credited to stumpage and charged against operation..... 227,304.57

Oct. 1, 1911, to Sept. 30, 1912,
Credited to stumpage and charged against operation..... 112,144.78

Oct. 1, 1912, to Sept. 30, 1913,
Credited to stumpage and charged against operation..... 103,726.82

$688,389.72

Profit to Menominee Indian Tribe..... 103,066,836 ft. at $6.67 M stumpage

### NOTES.

If the net profits on all operations of the Menominee Indian Mills were credited to stumpage account in addition to the regular stumpage rates as instructed by the U. S. Indian Office (letter Feb. 5, 1912—I. O. File 102661—1911) then the Menominee Tribe of Indians have received an average of

$6.67 per thousand feet for their timber cut during the period from July 1, 1910, to Sept. 30, 1913.

The cash investment on capital stock of the Menominee Indian Mills on July 1, 1910, is $1,062,106.79.

The foregoing amounts of net profit then show a net earing on this investment as follows:

July 1, 1910, to Sept. 31, 1911:
15 months, net..... 4.2% per annum after deducting stumpage
Oct. 1, 1911, to Sept. 30, 1912:
12 months, net..... 7.9% per annum after deducting stumpage
Oct. 1, 1912, to Sept. 30, 1913:
12 months, net..... 9.4% per annum after deducting stumpage

Average net..... 7 % per annum after deducting stumpage

The net loss on operations previous to July 1, 1910, is $269,695.92, which should be taken off the books of the Menominee Indian Mills and the capital invested be reduced that amount to $792,410.87, the true amount of assets the Menominees had to conduct their business with on July 1, 1910, which would show the percentage of profit on the capital invested as follows:

July 1, 1910, to Sept. 30, 1911:
15 months, net..... 5.7% per annum after deducting stumpage
Oct. 1, 1911, to Sept. 30, 1912:
12 months, net..... 10.6% per annum after deducting stumpage
Oct. 1, 1912, to Sept. 30, 1913:
12 months, net..... 12.7% per annum after deducting stumpage

Average net..... 9.5% per annum after deducting stumpage

RECEIPTS AND DISBURSEMENTS.

| | | |
|---|---|---|
| July 1, 1910, to Sept. 30, 1911: | | |
| Receipts | $520,169.49 | |
| Disbursements | 509,732.18 | |
| | | $10,437.31 |
| Oct. 1, 1911, to Sept. 30, 1912: | | |
| Receipts | 634,408.47 | |
| Disbursements | 439,343.80 | |
| | | 195,064.67 |
| Oct. 1, 1912, to Sept. 30, 1913: | | |
| Receipts | 722,644.71 | |
| Disbursements | 476,660.36 | |
| | | 245,984.35 |
| Total receipts over disbursements | | $451,486.33 |
| Net profit | | $245,213.55 |
| Stumpage | | 443,176.17 |
| Total profit | | $688,389.72 |
| Excess of receipts over disbursements | | 451,486.33 |
| Difference | | $236,903.39 |

This difference is accounted for by the fact that there are considerable more products on hand in the yard on Sept. 30, 1913, than there were on July 1, 1910, there being 28,325,980 feet of timber at close of Sept. 30, 1913, against 22,178,966 feet on July 1, 1910, also considerable lath, shingles and other products, and also by the fact that the Menominee Indian Mills have during this period from July 1, 1910, to Sept. 30, 1913, enlarged their plant considerably, among some of which are the building of approximately 15 miles of railroad, railroad round houses, coal bins, purchase of two engines, 65 log cars, caboose and railroad supplies, etc. Construction of several permanent dwellings for employees, construction and repair of dwellings for Indians, construction of lumber yard, tramways and pile bottoms to take cars of 38 to 40 million feet of lumber instead of 22 million on hand July 1, 1910, construction of planing mill, including purchase of machinery, etc., to double its capacity since July 1, 1910, enlargement of mill to handle and manufacture by-products from slabs and refuse; and sundry other improvements to the plant, also purchase of horses, lumber buggies and sundry other equipment and supplies necessary to facilitate the handling of a greater volume of business (31 to 36 million feet of lumber per year against 20 million feet per year previous to July 1, 1910, besides other by-products such as grating, pickets, slabs, etc.) and which appear in our statement of resources and which of course do not affect the amount of profit made and shown, but reduce cost items and increase products. Plant, equipment and other items in the statement of resources, and are of course on hand and carried at their cost (less a reasonable depreciation) for future operations. These years operating have of course stood their depreciation as per annual statements, amounting to $181.754.66 for this period, July 1, 1910, to Sept. 30, 1913, and as instructed by the Indian Office, which if *not* charged against operations would make net profit that much greater.

The reasons for the receipts being only $10,467.31 over and above the disbursements (*not the profit*) during the period from July 1, 1910, to Sept. 30, 1911, are, that considerably more products were on hand in the yard on Sept. 30, 1911, than on July 1, 1910, there being 36,455,835 feet of lumber alone on Sept. 30, 1911, against 22,178,966 feet on July 1, 1910, besides more lath and other products; also that during this period the greater part of the expense building the railroad, purchasing engines, logging cars, railroad supplies, etc., building of several permanent dwellings.

The reason for the net profit on lumber being only $45,389.60 for this 15 months period is that considerable lumber that was on hand in the yard on July 1, 1910, was cut from dead and down timber, and was sold at a loss, and as our green cut was piled with the dead and down timber in order to better dispose of it, and owing to the cramped conditions of the yard, it was necessary to pile the green cut with the dead and down so that it was a physical impossibility to account for each cut separately.

The overrun of logs into lumber during the period from July 1, 1910, to Sept. 30, 1913, is 4,383,969, more than enough to make up the difference between amount of logs cut, and lumber sold during this period and as there was an inventory of logs, lumber and other products on hand at the end of each accounting period, July 1, 1910, Sept. 30, 1911, 1912, and 1913, with the exception of taking into consideration the sale of dead and down lumber during 1910 and 1911, it is safe to assume that the yearly cuts of logs shown in the foregoing statements were cut into lumber and other by-products and sold.

Stumpage prices are about what maintain throughout this part of the country where the same class and species of timber are cut and manufactured.

This information was obtained by actual inquiry from 15 of largest operations in this section of Wisconsin, Michigan and Minnesota, all exchanging stumpage prices. Such firms as Sawyer Goodman & Co., The Stephenson Co., Diamond Lumber Company, Brown Bros. Lumber Co., Cloquet Lumber Co., Virginia & Rainey Lake operations, and others. It also compares with information gathered by the U. S. Forest Service.

LOGS CUT OCT. 1, 1912, TO SEPT. 30, 1913. AND STUMPAGE CHARGED THEREON.

| | | | |
|---|---|---|---|
| 3,065,280 Ft. | Pine, at | $11.01 | $33,748.72 |
| 290,800 | Norway, at | 6.81 | 1,980.34 |
| 23,088,250 | Hemlock, at | 1.51 | 34,863.25 |
| 2,547,170 | Birch, at | 4.01 | 10,214.15 |
| 1,747,520 | Maple, at | 1.76 | 3,075.63 |
| 938,420 | Basswood, at | 6.26 | 5,874.51 |
| 9,950 | Rock Elm, at | 5.01 | 49.85 |
| 172,000 | Soft Elm, at | 4.21 | 724.12 |
| 128,960 | Ash, at | 5.01 | 646.09 |
| 248,970 | Tamarack, at | 2.41 | 600.01 |
| 48,610 | Oak, at | 11.51 | 559.50 |
| 6,010 | Beech, at | 2.41 | 14.77 |
| 7,090 | Spruce, at | 4.66 | 33.03 |
| 22,299,030 Ft. | | | $92,383.97 |

Average $2.86 per M.

Above sawed into Lumber.

| | | |
|---|---|---|
| 2,839,980 Ft. | Logs and Timber cut and used in Construction of Plant, Railroad, etc., also for shingles, posts, poles, ties and miscellaneous operations | $11,342.85 |
| 35,139,010 | | $103,726.82 |
| 1,413,630 Ft. | Dead and Down Logs cut also, on which no stumpage is charged. | |
| 36,552,690 Ft. | | |

Average $2.08 per M.

Average Stumpage from July 1, 1910, to Sept. 30, 1913, is $4.35 per M Log Scale.

## LOGS CUT JULY 1, 1910, TO SEPT. 30, 1911, AND STUMPAGE CHARGED THEREON.

| | | | |
|---|---|---|---|
| 16,915,300 Ft. | Pine, at | $11.01 | $186,237.45 |
| 8,273,950 | Hemlock, at | 1.51 | 12,493.66 |
| 1,569,770 | Norway, at | 6.81 | 10,660.13 |
| 1,699,730 | Maple, at | 1.76 | 2,991.52 |
| 629,700 | Birch, at | 4.01 | 2,525.10 |
| 1,231,990 | Basswood, at | 6.26 | 7,712.26 |
| 322,000 | Rock Elm, at | 5.01 | 1,613.22 |
| 368,250 | Soft Elm, at | 4.21 | 1,550.33 |
| 12,780 | Oak, at | 11.51 | 147.10 |
| 13,290 | Ash, at | 5.01 | 66.58 |
| 370 | Hickory, at | 5.16 | 1.91 |
| 34,130 | Tamarack, at | 2.41 | 82.25 |
| 31,071,260 Ft. | | | $226,081.51 |
| | Average $7.27 per M. | | |
| | Above sawed into Lumber. | | |
| 639,548 Ft. | Logs and Timber cut and used in construction of Plant, etc., also for shingles, posts, poles and miscellaneous operations | | $1,223.06 |
| 31,710,808 Ft. | | | $227,304.57 |
| | Average $7.16 per M. | | |

## LOGS CUT OCT. 1, 1911, TO SEPT. 30, 1912, AND STUMPAGE CHARGED THEREON.

| | | | |
|---|---|---|---|
| 5,314,960 Ft. | White Pine, at | $11.01 | $58,517.70 |
| 700,370 | Norway, at | 6.81 | 4,769.51 |
| 21,779,450 | Hemlock, at | 1.51 | 32,886.97 |
| 516,610 | Maple, at | 1.76 | 909.13 |
| 1,938,270 | Birch, at | 4.01 | 7,772.46 |
| 326,010 | Basswood, at | 6.26 | 2,040.82 |
| 49,970 | Tamarack, at | 2.41 | 118.74 |
| 32,740 | Rock Elm, at | 5.01 | 164.03 |
| 16,780 | Soft Elm, at | 4.21 | 70.64 |
| 3,720 | Oak, at | 11.51 | 42.82 |
| 16,700 | Ash, at | 5.01 | 83.66 |
| 48,380 | Beech, at | 2.41 | 116.59 |
| 30,743,260 | | | $107,493.07 |
| | Average $3.80 per M. | | |
| | Above sawed into Lumber. | | |
| 1,971,457 Ft. | Logs and Timber cut and used in construction of Plant, Railroad, etc., also for shingles, posts, poles, ties and miscellaneous operations | | $4,651.71 |
| 32,714,717 | | | $112,144.78 |

761,160 Ft. Dead and Down Logs cut also on which no Stumpage was charged.

33,475,877 7
Average $3.35 per M.

## EXHIBIT 33A.

### Stumpage Rates.

| Specie | Per cent. of Stand | Feet of Stand | Rate of Stumpage as Recommended by Oconto Co. | Indian Office | Amount |
|---|---|---|---|---|---|
| White pine | .10 | 175,000,000 | $11.00 | $11.00 | $1,925,000.00 |
| Norway pine | .02 | 35,000,000 | 5.00 | 6.80 | 238,000.00 |
| Hemlock | .40 | 700,000,000 | 3.00 | 1.50 | 1,050,000.00 |
| Maple | .15 | 262,500,000 | 2.00 | 1.75 | 459,375.00 |
| Birch | .05 | 87,500,000 | 5.00 | 4.00 | 340,000.00 |
| Basswood | .15 | 262,500,000 | 8.00 | 6.25 | 1,640,625.00 |
| Rock elm | .06 | 105,000,000 | 8.00 | 5.00 | 525,000.00 |
| Soft elm | .03 | 52,500,000 | 7.00 | 4.20 | 220,500.00 |
| Oak | .01 | 17,500,000 | 15.00 | 11.50 | 201,250.00 |
| Cedar | .01 | 17,500,000 | 2.00 | 3.00 | 52,500.00 |
| Ash | .0075 | 13,125,000 | 5.00 | 5.00 | 65,625.00 |
| Balsam | .0025 | 4,375,000 | 2.20 | 2.20 | 9,625.00 |
| Spruce | .00375 | 6,562,500 | 4.65 | 4.65 | 30,515.62 |
| Tamarack | .0050 | 8,750,000 | 2.40 | 2.40 | 20,900.00 |
| Beech | .000625 | 1,093,750 | 1.50 | 2.40 | 2,625.00 |
| Butternut | .000625 | 1,093,750 | 5.15 | 5.15 | 5,632.28 |
| Hickory | ..... | ..... | 5.15 | 5.15 | ..... |
| | 1. | 1,750,000,000 | | 3.88Av. | 6,787,172.90 |

NOTE—The above stumpage prices have been recommended by Indian Office (letter of Feb. 5, 1912, I. O. File 102661-1911). The percentage of stand has been fixed arbitrarily by Neopit office, based on opinions of the different logging superintendents. Timber has never been cruised and estimated. Above rates of stumpage are to be used by the Menominee Indian Mills in wiping out the stumpage account, charging cost of logs with same as they are cut. To the above rates will be added one cent (1c.) per thousand feet to wipe out cost of 50% of burning brush and entire cost of fighting forest fires, which have been charged to the stumpage account, this expense being incurred for the protection of the standing timber.

## EXHIBIT 33B.

Total cut of each class of Timber during three years, with stumpage recommendations of The Oconto Company and that used by the Neopit office.

| Feet | Specie | Rate of Stumpage as Recommended by Oconto Co. | Indian Office | Oconto Co. Amount |
|---|---|---|---|---|
| 25,295,540 | White pine | $11.00 | $11.00 | $278,250.94 |
| 43,141,650 | Hemlock | 3.00 | 1.50 | 129,424.89 |
| 2,560,940 | Norway pine | 5.00 | 6.80 | 12,804.70 |
| 5,115,140 | Birch | 5.00 | 4.00 | 25,575.70 |
| 3,963,860 | Maple | 2.00 | 1.75 | 7,927.72 |
| 2,496,420 | Basswood | 8.00 | 6.25 | 19,971.36 |
| 332,370 | Tamarack | 2.40 | 2.40 | 797.69 |
| 364,691 | Rock elm | 8.00 | 5.00 | 2,917.53 |
| 557,030 | Soft elm | 7.00 | 4.20 | 3,899.21 |
| 78,600 | Ash | 5.00 | 5.00 | 393.00 |
| 65,100 | Oak | 15.00 | 11.50 | 976.50 |
| 54,390 | Beech | 1.50 | 2.40 | 81.58 |
| 7,090 | Spruce | 4.65 | 4.65 | 32.90 |
| 370 | Hickory | 5.15 | 5.15 | 1.91 |

Amount, according to Oconto Co..... $483,055.63
Amount, according to Indian Office..... 443,176.17

$39,879.46

Profits during three years, according to Indian Office.....$245,213.55
Excess stumpage, according to Oconto Co. standard..... 39,879.38

Net profit during three years, after deducting stumpage according to Oconto Co.'s standard.....$205,334.17

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## EXHIBIT 34.

Statements of different Indians at Keshena questioned by Mr. Ayer with regard to their feelings about the general conditions on the reservation and efforts being made to get money to pay Mr. Tyrrell and his friends.

Statement of Louis Skeewicks:

I do not know myself; I have not attended any of the meetings, but this is what I hear the tribe say: It is just like throwing our money in the

river—building new barns and houses at Keshena and Neopit, cutting timber, building new roads, and so on. Lots of people are dissatisfied. The mill is not making anything. No money coming in, all going out. I do not know what the lawyer promised to do, but he was to help the tribe so there would be no more trouble.

His
LOUIS SKEESICKS (Thumb Print).
Mark.

Witness to mark:
FRANCIS M. BADGER,
Financial Clerk, Keshena Indian School,
Keshena, Wisc.

JOHN F. WAUKECHON,
*Assistant Clerk.*
H. P. MARBLE,
*Assistant Superintendent.*

Keshena, Wis., January 10, 1914.

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## EXHIBIT 35.

Statement of Sam Pywaukee, questioned by H. P. Marble, Assistant Superintendent, through John F. Waukechon, Interpreter.

Mr. Marble explains: Board of Indian Commissioners have sent out for information in regard to Indians desiring employment of an attorney.

Q. He knows this man Tyrrell, does he? Ever met him?

A. The man from Gillette?

Q. Yes, I guess that is the man.

A. Yes, he says, the man from Gillette was here last spring and went through the reservation.

Q. What did he claim he would be able to do for the Indians?

A. He says that he went over the logging here; that is, the Menominee Reservation.

A. And what about it?

A. He said the Menominees had asked him to go over the logging on the Menominee Reservation.

Q. Did he say WHAT Menominees asked him to?

A. He says he knows of three. He says he don't think anybody can say—it was the whole tribe.

Q. After looking over the logging, what did he offer to do for the tribe?

A. Well, he says, he took note of everything. He seen what was wasted in the line of timber and made his report to Washington.

Q. What payment was made to him for this service?

A. He did get something. No man will work for nothing. He expects to get something for his meals, anyway.

Q. How much?

A. They had paid him $500.00 in cash.

Q. Is that for work he has done already, or is going to do for them?

A. He says they gave this $500.00 when he left for Washington. That money was used in Washington while he was there.

Q. What were they to pay him in addition for his services?

A. He says, I don't know and I don't think the lawyer knows what he is going to get. Of course, a man when through working knows what he gets.

Q. Did he enter into contract with them for what he was to get?

A. He did not enter into contract with them. The lawyer said if he accomplished anything at Washington they could pay him.

Q. Does he know who paid the $500.00?

A. The money was borrowed and is to be paid from the tribal funds.

Q. Who borrowed it, does he know?

A. Well, he says, no particular one borrowed the money, but says the men then there at the meeting, and they got $250.00 from Louis LaFrambois.

Q. Who else did they get some from?

A. He says that the other $250.00 was furnished by a white man living at Neopit. He gave it to the lawyer when he left, and that was paid back by the tribe.

Q. Of what white man?

A. He says, Joe Gristo's father-in-law.

Q. Does he know what his name is? I would know it if I heard it.

A. Derosier. He says, that man was discharged at Neopit just on that account.

Q. Was there any other man gave to him that he knows?

A. Derosier furnished $200.00 and the other $50.00 was furnished by himself (this man here, Sam Pywaukee).

Q. What papers did he get to show that he loaned the money?

A. (Produces paper, hands it to Mr. Marble, who reads it):

"Keshena, Wis., Nov. 10th, 1913.

This is to certify that we have received $50.00 from Sam Pywaukee, the same to be used to hire D. F. Tyrrell, Attorney-at-Law, in behalf of the Menominee Tribe, to conduct the investigation of affairs at Neopit in the near future."

(Signed) Louis LaFrambois,
" Joe Longley,
" Tom Prickett.

Q. Does he know just what is on that paper?

A. No, he says he only loaned the money and he is to get it back.

Q. Did he look at that paper? That paper does not say they will pay back anything; just simply acknowledges receipt of the money. I am just telling him that for his own information. No difference, of course, if he wants it to go that way.

Q. Was it the general understanding that money is wasted among Indians—was that the general understanding at Neopit?

A. Yes.

Q. Did Mr. Tyrrell say that was the case after he had investigated?

A. Yes, sir; he did.

Q. Did he say he would be able to secure a change, so they would not lose money?

A. Yes, sir.

Q. Did he say that he would be able to secure annuity payments for them?

A. Yes.

Q. How much did he say he would secure for them this year?

A. He says he might be able to get $20.00 during the month of January and $40.00 in the spring. This part was told me by Tom Prickett.

Q. And what in the future, any more after that?

A. That he does not know. Only for one year.

Q. Did he say anything about the Stockbridge claim, over here—the two-mile strip

A. That he does not know; did not hear him say anything about that.

Q. Did he say anything about the claims for the blow-down districts?

A. He did not know.

Q. Did he hear him say anything about Section 16 and the swamp lands in Wisconsin?

A. Don't know anything about that.

Q. From general talk, what does he understand about money being wasted in Neopit? What does he think about it?

A. Says he thinks that money is wasted up there.

Q. How does he think it is wasted?

A. Well, he says, the money that was used on improvements for roads, he says, he thinks they don't ask the tribe if that money can be expended for that purpose.

Q. He thinks that all that is wasted; just money on roads?

A. Not that alone, but timber, and other work they do up there at the mill. They are not making anything.

Q. What makes him think the mill is not making money?

A. Well, he says, because the people don't get any annuity and the money must be used there and spent there. Now he says where does that money come from for building those nice buildings at Neopit?

Q. (Answering questions put in above answer). Out of interest on the Menominee Log Fund. If they had been getting annuities, would they think the mill was making money

A. Yes, then he would think that they were making money.

I certify that the above statement was given by me in answers to the queries asked and that the above contains no material misrepresentation of what was said by me.

His
SAM PYWAUKEE (Thumb print).
Mark.

Witness to mark:
FRANCES M. BADGER.
Made in presence of
H. P. MARBLE,
JOHN F. WAUKECHON.

## EXHIBIT 36.

Statement of Henry Mellott:

My understanding is that Tyrrell has promised to get for the old soldiers one dollar a day, and was to help the tribe all through, for their benefit. I did not see the letter, but heard LaFrambois report that the tribe was to receive $40 per capita this winter if we hired Tyrrell. About $200 was raised around Keshena and given to Tyrrell, but it is understood that he is working for the tribe and this money is to be paid back to the ones who loaned it.

Tyrrell had pictures showing the waste of timber on the reservation, and reported that he had investigated and found the mill at Neopit to be losing money. He promised he would have the laws changed, so it would not lose any more.

The reason I think the mill is losing money is because we do not get any more annuities, like we used to, when we ask for it. If the annuities were paid I would think the mill was making money.

Tyrrell also said he would work to get back the swamp and school lands which the State is taking from us.

Tribal members claim there is too much money being spent for roads, houses in Neopit, dairy barn at the Keshena school, and for other buildings; the tribal members think this should not be spent this way. It would be better to pay it to the Indian in annuities.

His
HENRY MELLOTT (Thumb print).
Mark.

Witness to mark:
FRANCES M. BADGER,
ZORA F. MARBLE.
Statement made in the presence of
H. P. MARBLE,
*Assistant Superintendent.*

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## EXHIBIT 37.

Statement of Louis Keshena, at Keshena, Wis.:

My understanding is that Tyrrell and the other attorney are to try to get "blown down" claims paid, but if they do it seems to me they will have to be paid by the tribe. Many members think these claims are to be paid by the Government, but I do not want anything to do with lawyers in this. They are the cause of all the trouble in the past about this blow down business.

I hear that some members of the tribe have been loaning money to pay to Tyrrell, and they say the tribe is to pay this back, but I do not see how the tribe can be held for this money unless some council agrees to it. I hear some parties have taken money belonging to the church societies, the Relief Corps, and so on, and have loaned it for the lawyer, and they tell me they have no security for it, so they must have to make it good themselves. I hear much talk about the Neopit mill losing money and think the tribal members

believe this because we do not receive annuities any more. I did not talk to Tyrrell myself, but I hear these things from other members who are working for him to get a contract. I also understand that Tyrrell is to secure annuity payment for the Menominees.

(Signed) LOUIS KESHENA.

Statement made in presence of:

(Signed) JOHN F. WAUKECHON, *Asst. Clerk.*

(Signed, H. P. MARBLE, *Asst. Supt.*

Keshena, Wis., Jan. 10, 1914.

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## EXHIBIT 38.

### Statement of Joe O'Katchicum:

Q. What do you understand Tyrrell promises to do for the Menomniee Indians?

A. I understand the Indians hire the lawyer to get their annuities for them.

Q. Do you understand the Neopit operations are losing money?

A. I hear the Indians talking about the mills not making any money, and that our money in the Treasury is going out—none coming in.

Q. Do you understand that Tyrrell investigated conditions around the mill?

A. I hear other people say that the lawyer went through the cutting around Neopit.

Q. Do you yourself think that the Neopit operations are losing money now?

A. I know they are. The Neopit mill has been losing our money ever since it started. I know this because we do not get our annuities now like we used to.

I hereby certify that the above questions were asked by myself and answered in the manner indicated by Joe O'Katchicum, an enrolled Menominee Indian, the questions and answers being interpreted by John F. Waukechon, assistant clerk, Keshena, who also certifies the same to be correct.

(Signed) H. P. MARBLE,
*Assistant Superintendent.*
JOHN F. WAUKECHON,
*Assistant Clerk.*

Keshena, Wisconsin, January 13, 1914.

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## EXHIBIT 39.

### Statement of Peter Tomaw:

I have never talked to Mr Tyrrell personally, but the members tell me that he has investigated and finds that lots of money has been wasted on this reservation, such as buying automobiles and erecting fire towers, and he has promised to recover all of this money for the tribe. I know that the agent never asked the tribe if they wanted these automobiles bought or these towers built. I know that the Neopit mill is losing money because we

have not received any money this year in annuities. If we were getting our annuities I would know that the mill was making money, for when we used to log ourselves we made money and put it in the bank. I am sure there is timber being wasted as Mr. Tyrrell says for I have seen logs cut last winter which have not yet been taken to the mill. Those who talked for Mr. Tyrrell promised that he would get us our annuities and get back all of our wasted money. I am president of the Temperance Society of West Branch and loaned $20.00 belonging to the society to Mitchell Komanekin to be used to pay Tyrrell, but the tribe is to pay it back. I do not have any papers to show that the money is to be paid back, but am sure they will do it.

his
PETER TOMAW (Thumb Print.)
mark.

Witness to mark:
FRANCES M. BADGER,
Financial Clerk, Keshena Indian School, Keshena, Wis.

Statement made in presence of:
JOHN F. WAUKECOHN,
Assistant Clerk.
H. P. MARBLE,
Assistant Superintendent.
Keshena, Wis., January 12, 1914.

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## EXHIBIT 40.

Copy of letter from Mr. Webster Ballinger to Mr. Mitchell Oshkenaniew, dated September 11, 1913.

MR. MITCHELL OSHKENANIEW,
Neopit, Wisconsin.
DEAR SIR:

Answering your letter of the 6th instant, when I wrote you on the ultimo, I gave you the amount of the principal of the log fund as shown by the books of the Treasury. The statement given out by the Indian Bureau is correct as to the total amount of funds from all sources standing to the credit of the Menominee Indians. Let me explain this statement to you. The first item, entitled "Menominee Fund," $153,039.38, represents the fund arising out of Act of April 1, 1880 (21 Stat. L. 70). The second item, "Interest on same," amounting to $816.05, represents the unexpended balance of the accrued interest on the first item of $153,039.38. The third item, "Menominee Log Funds," $1,737,550.67, represents the principal of the log funds and to which was transferred under the Comptroller's decision of June 28, 1912, all the funds standing to the credit of the Menominee 4% funds and interest thereon. The fourth item, "Interest on same," amounting to $4,045.19, represents the unexpended balance of the accrued interest on the log funds. The last item, "Fulfilling Treaties with Menominee—Logs," amounting to $79,722.67, represents the interest on the first item of $153,039.38, the third item of $1,737,550.67 and the interest on the Menominee 4% Fund of

$184,319.40, which was last year transferred under the Comptroller's decision of June 28, 1912, to the Menominee log funds.

The Menominee log funds which amounted on June 30, 1907, to $2,335,691.48 are to-day, after the transfer of the 4% funds to that account, $598,140.81 less than they were on June 30, 1907. I observe that the statement furnished by the Department is silent upon the question of the amount of timber cut during the year or during the preceding years. It merely sets out the funds of the tribe on deposit in the Treasury and the alleged value of the improvements and lumber on hand on the reservation. The improvements, appearing upon the second page of the statement are given the value they originally cost, without deduction for deterioration. It is safe to estimate that these improvements, costing an aggregate of $791,870.63, have depreciated by wear and decay from 25 to 50% since constructed.

The value placed upon the lumber on hand is in excess of its actual value, as I am advised that most of the lumber on hand represents the cullings of the mill.

Assuming that the timber cut on the reservation under the Acts of 1906 ing 30 per cent for depreciation on the mill and other improvements, the ac- and 1908 was worth $1,600,000.00 which is not taken into account, and allow- count of the Menominees for the past five years would be as follows:

| | | |
|---|---|---|
| Menominee Log Fund | | $2,335,691.48 |
| Loss in interest on said fund by use of part of fund for logging operations and improvements (approximately | 329,461.40 | |
| Value of timber cut during 5 years | 1,600,000.00 | |
| Total | | $4,265,142.88 |
| Menominee Log Funds, June 30, 1913 | | $1,737,550.67 |
| Interest on said sum for 1 year at 5%, approximately | 70,000.00 | |
| Tangible assets, mills, plant, buildings, etc., total cost $791,870.63, less 30% for deterioration | 553,309.45 | |
| Total value of lumber on hand, as per agent's estimate | 474,866.33 | |
| Total | | $2,835,726.45 |
| Total loss to the tribe during 5 years' operation, approximately | | $1,429,426.43 |

These matters have been brought to the attention of the departmental officials by me and are now supposedly under consideration. The House and Senate have appointed members of a joint committee of Congress to investigate all Indian matters. Unless action is taken by the Department before the joint committee commences its investigations I shall, if the tribe desires me to do so, bring these matters to the attention of that committee and ask for a full and complete investigation of the affairs of the Menominee Indians. You are at liberty to read this letter to the Menominee Indians in Council if you so desire. I am returning herewith the statement furnished the Menominee Indians by the Indian Bureau and will be obliged to you if you will return the same to me.

Trusting that I have fully answered your communication, I remain,

Very truly yours,

(Signed) Webster Ballinger.

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